

Roads, Bridges and Ferries, to whom was referred

S. B. No. 364, A bill to be entitled "An Act to repeal Chapter 74, Special Laws of the Thirty-second Legislature, as amended by Chapter 96, Special Laws of the Thirty-third Legislature, and as further amended by Chapter 89, Special Laws of the Thirty-fourth Legislature, relating to the road system of Leon county; and declaring an emergency."

Have had same under consideration, and I am instructed by the Committee to report same back to the Senate with the recommendation that it do pass.

FLOYD, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 494, A bill to be entitled "An Act creating a special road law for Fayette County, providing for a systematic method of road maintenance in harmony with the Davidson-Perkins Patrol Act, adopting the patrol system to the special wants of the county; providing for a budget system for the road and bridge funds of the county; authorizing and directing the commissioners' court to employ a practical road superintendent when in their judgment his services are necessary, and in the absence of such road superintendent making the commissioners each ex-officio road superintendent of his respective commissioners' precinct; prescribing the duties and liabilities of all persons subject to road duty; fixing penalties for all the violation or neglect of such duty so imposed; providing that the Act shall be cumulative to existing laws where not in conflict therewith; providing for power and procedure for the protection of roads and highways against unusually heavy traffic, and declaring an emergency."

Have had same under consideration, and I am instructed by the Committee to report same back to the Senate with the recommendation that it do pass.

FLOYD, Vice-Chairman.

THIRTY-THIRD DAY.

Senate Chamber,

Austin, Texas.

Friday, February 23, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Pollard.
Baugh.	Ridgeway.
Bowers.	Rogers.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Parr.	

Absent.

Cousins. Murphy.

Absent—Excused.

Rledsoe.	Dudley.
Burkett.	Rice.

Prayer by the Right Reverend Kinsolving.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

Bills and Resolutions.

By Senators Bowers and Lewis:

S. B. No. 377, A bill to be entitled, "An Act designating the lands acquired by the State of Texas under the provisions of Chapter 3, General Laws, passed at the First Called Session of the Thirty-fourth Legislature, as 'The Washington State Park'; providing for the creation of a commission to be known as 'The Washington State Park Commission'; charging said commission and the State Board of Control with the joint duty of preserving, protecting, improving and beautifying said park, and declaring an emergency."

Read first time and referred to Committee on Public Buildings and Grounds.

By Senator Strong:

S. B. No. 378, A bill to be entitled "An Act to amend Sections 656, 657

and 659 of the Revised Civil Statutes of 1911, so as to authorize counties, cities, whether under a special charter or not, and towns to issue funding and refunding bonds, as to indebtedness created before July 1st, providing for the terms of such bonds, and the manner of their issuance; providing for the levy of a tax for the payment thereof, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Parr:

S. B. No. 379, A bill to be entitled "An Act to prohibit the hunting or taking of wild game birds and wild game fowls and wild animals from an airplane, a powerboat, a sailboat, any boat under sail, or any floating devise towed by powerboat or sailboat; prescribing penalties for the violation of its provisions; providing for the Game, Fish and Oyster Commissioner and his deputies to have jurisdiction in the enforcement of same; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Ridgeway:

S. B. No. 380, A bill to be entitled "An Act, amending Article 3875 of the Revised Civil Statutes of the State of Texas, by adding thereto a new provision providing that in addition to the amount of commissions to be received by county treasurers, in counties in which the assessed value of property exceeds one hundred million dollars, or more, such county treasurers shall receive a commission in excess of the commission already allowed by said article, a sum from the commissions of office not exceeding twelve hundred dollars per annum for the payment of the salary of a deputy employed by the said county treasurer."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Thomas:

S. B. No. 381, A bill to be entitled "An Act providing that where there is a case pending in any district court in this State in which the judge of said court is disqualified from any cause to try said case, any party of record in said case may file in the district court of any district adjoining said district a petition addressed to the judge of said court, setting out

such facts and it shall be the duty of said court to issue an order to the district clerk of the court in which such suit is pending, directing him to certify to said court all the original papers, orders and entries made in said cause and when the same is done, said case shall be docketed hearing in said court, after having given ten days' notice of such transfer, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Cousins:

S. B. No. 382, A bill to be entitled "An Act to facilitate the marketing and distribution of natural resources of the State, and the products manufactured therefrom, by extending the right of condemnation to certain corporations, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Cousins:

S. B. No. 383, A bill to be entitled "An Act to reorganize the First Judicial District of Texas, and to create the Ninety-fourth Judicial District of Texas, and to fix the time of holding court in each of said districts, and to provide for the retention in office of the district judge and district attorney of said First Judicial District, as judge and district attorney respectively of said district, as reorganized, and to provide for the appointment of a judge and district attorney for said Ninety-fourth Judicial District, and fix their compensation, and to provide for the retention in office of the present clerks of the district courts of Orange, Jasper and Hardin Counties as clerks of the district courts in the First Judicial District, as reorganized, and providing for the retention in office of the present clerks of the district courts of Sabine, San Augustine and Newton Counties as clerks of district courts of said counties in the said Ninety-fourth Judicial District, created hereby, and providing that the district court of the First Judicial District reorganized by this Act, and the district courts of the Ninety-fourth Judicial District, created by this Act, and the judges thereof, shall have all the powers and jurisdiction that district courts and the judges thereof now have or may hereafter be conferred upon them, under the Constitution and other laws of the State of Texas, and providing for the time of holding the district court in each of the counties of Orange,

Jasper and Hardin, composing said reorganized First Judicial District, and providing for the time of holding the district court in each of the counties of Sabine, San Augustine and Newton, composing the said Ninety-fourth Judicial District, and validating all process issued, juries drawn, or bail bond, or recognizances taken in the district court of any of the counties composing the present First Judicial District, and repealing all laws or parts of laws in conflict herewith, and providing that this Act shall be and become effective on and after January 1st, 1924."

Read first time and referred to Committee on Judicial Districts.

By Senator Fairchild:

S. B. No. 384, A bill to be entitled "An Act to amend Chapter 141 of the General Laws, Regular Session of the Thirty-seventh Legislature, by making further provisions for the establishment of State forests, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to purchase lands, and expressing the conditions of such purchase, or of gifts, devices or transfers; providing that all lands held for reforestation purposes shall be subject to all local taxes; fixing the limit that may be paid by said board for such lands; and making an appropriation from the general revenues of the State for land purchases for reforestation and the demonstration of practical forestry."

Read first time and referred to Committee on State Affairs.

By Senator Witt:

S. B. No. 385, A bill to be entitled "An Act to amend Articles 2903a and 2903b, Chapter 19 of Title 48, Revised Civil Statutes of Texas, so as to require the teaching of the History of Texas, the History of the United States, and the subject of civil government in the public schools of this State; prescribing the minimum time per week to be devoted to said subject, and for notification by the State Superintendent of Public Instruction to the county and city school superintendents with reference to this requirement; and prescribing the penalty for violations of this Act."

Read first time and referred to Committee on Educational Affairs.

By Senator Witt:

S. B. No. 386, A bill to be entitled "An Act amending Article 2904a, so as to provide for the exclusive use of

the English language in the schools of this State as the language of general instruction, providing, however, for the teaching of languages as separate subject in said schools; and providing a penalty."

Read first time and referred to Committee on Educational Affairs.

By Senator Witt:

S. B. No. 387, A bill to be entitled "An Act to amend Articles 2904aaa and 2904aaaa, Chapter 19, of Title 48, Revised Civil Statutes of Texas, so as to require the board of trustees of every common, independent or municipal school district to purchase and provide a suitable United States flag and flag pole for each school building in the district; to pay the expense thereof out of the district or municipal funds; to provide for the issuance by the State Superintendent of Public Instruction to each county and city superintendent of public instruction the necessary instructions as to the enforcement of this law; imposing upon said county and city superintendents the duty to see that the provisions hereof and the instructions of said superintendent of public instruction are carried out; providing for the withholding of the approval for payment of any vouchers drawn on the funds of said district until the provisions of this Act have been complied with; and forbidding the approval of any vouchers for the payment of any account until the provisions hereof have been complied with; and prescribing the penalty."

Read first time and referred to Committee on Educational Affairs.

By Senator Witt:

S. B. No. 388, A bill to be entitled "An Act providing for the burial of deceased persons who were honorably discharged from the military or naval or nursing service of the United States, and who were in active service of the United States of any nation allied or associated with the United States at any time during the late world war; setting aside a plot of ground in the United States cemetery for the burial of such persons who died or who shall hereafter die; providing for request of relative for such burial; providing for the payment of the expenses of such burials by the State of Texas where the relatives of the deceased are unable or refuse to pay such expenses and make affidavit there-

to; authorizing the commissioners' court of any county to make provision for the burial of such persons in the county wherein they have died or may hereafter die, upon request of next of kin of such deceased persons that burial of such persons be had in such county, and appropriating the sum of \$20,000.

Read first time and referred to Committee on Military Affairs.

By Senators McMillin and Cousins:
S. B. No. 389, A bill to be entitled "An Act to extend the jurisdiction, supervision, powers and duties of the Railroad Commission of Texas to and over telegraph lines and telephone lines lying within the State of Texas, and individuals, corporations, companies and associations engaged in the telegraph and telephone business within the State of Texas, and to provide for the regulation and control of such telegraph lines and telephone lines within the State of Texas, and individuals, corporations, companies and associations engaged in the telegraph and telephone business within the State of Texas, and repealing all Acts and parts of Acts inconsistent with the provisions of this Act."

Read first time and referred to Committee on State Affairs.

Joint Resolution.

By Senator Doyle:

S. J. R. No. 20, A Joint Resolution "Providing for revenue for the support of the public schools; providing for the levying and collecting, in addition to the above, ad valorem State tax not to exceed thirty-five cents on the one hundred (\$100.00) dollars valuation; providing for the State Board of Education to set aside a sufficient amount out of said tax to provide free text books; providing for an additional appropriation by the Legislature if the limit of taxation be insufficient; providing for the formation of school districts by the commissioners' courts of the several counties; and providing that school districts may embrace parts of two or more counties; providing further that the Legislature be authorized to pass laws for the assessment and collection of taxes in said districts; conferring the management and control of the public schools of such districts upon the commissioners' courts; providing for the Legislature

to authorize an additional ad valorem tax within school districts for the maintenance of public schools, and the erection and equipment of school buildings therein; providing that a majority of the qualified property tax paying voters of the district shall vote such tax not to exceed in one year one dollar on the one hundred dollars valuation on property subject to taxation, but this limitation shall not apply to incorporated cities or towns constituting separate and independent school districts."

Read first time and referred to Committee on Constitutional Amendments.

S. B. No. 148 on Second Reading.

The Chair laid before the Senate as special order, on its second reading:

S. B. No. 148, A bill to be entitled "An Act to amend Chapter 20, Sec. 1, of the Acts of the Thirty-fourth Legislature as the same appears in Article 6435, of Vernon's Complete Statutes of Texas of 1920, providing against the removal or change in the location of general offices, machine shops, or round houses of any railroad in the State of Texas, and further providing that in event of removal of such general offices, machine shops, or round houses for a reasonable compensation to any party or parties having sustained financial injury or loss by reason of and on account of such removal; providing means and tribunals for ascertaining and collecting such damages, declaring this Act to be in addition and supplementary of Art. 66435, of Vernon's Complete Statutes of Texas of 1920, and declaring an emergency."

The bill was read second time and the committee report carrying amendments was adopted.

Senator Bowers offered the following amendments to the bill:

(1)

Amend S. B. No. 148, page 7, line 4, as follows: By adding before the word "county" in line 4, the word "Justice."

(2)

Amend S. B. No. 148, page 7, lines 5 and 6 as follows: By striking out the words "respectively of the county or district court."

(3)

Amend S. B. No. 148, page 8, Section 4, by adding the following to said Section 4: "or to affect any contract now

or heretofore existing between any railroad company and any individual or corporation, or any judgment or decree heretofore rendered against any railroad company, but such contract, judgment or decree shall remain binding obligations and all rights of individuals or corporations heretofore existing are hereby reserved."

(4)

Amend S. B. No. 148, page 6, lines 10 and 11 as follows: In line 9 strike out the word "or" between the words "shops" and "round houses," and substitute a comma, and after the words "round houses," substitute the words "or the property thereof," and in lines 10 and 11, strike out the words "or the property thereof."

(5)

Amend S. B. No. 148, page 6, line 10, by adding after the word "successors" the following: "having a contract for location and maintenance of its general offices, division offices, machine shop, or round houses."

The amendments were adopted.

Senator Bowers offered the following amendment to the bill:

Amend the caption of S. B. No. 148, page 5, line 10, by adding after the words "round houses" the following: "by any railroad having a contract for the location and maintenance of its general offices, division offices, machine shops or round houses."

The amendment was adopted.

Senator Bowers offered the following amendment to the bill:

Amend the caption of S. B. No. 148, page 5, line 16, by adding after the words "thereto" the following: "nor shall it affect any contract, judgment, or decree heretofore existing, but such contract, judgment, or decree shall remain binding obligations and all rights of individuals or corporations heretofore existing are hereby reserved."

The amendment was adopted.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 148, page 6, in line 9, after the word "shop" and before the word "or" rail tracks in any county where located.

Senator Bowers moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—8.

Bailey.	Murphy.
Bowers.	Pollard.
Clark.	Strong.
Lewis.	Turner.

Nays—12.

Baugh.	McMillin.
Cousins.	Ridgeway.
Davis.	Thomas.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Wood.

Present—Not Voting.

Woods.

Absent.

Darwin.	Stuart.
Doyle.	Witt.
Parr.	

Absent—Excused.

Burkett.	Rice.
Dudley.	

(Pair Recorded.)

Senator Rogers (present), who would vote nay, with Senator Bledsoe (absent), who would vote yea.

The amendment was then adopted.

Senator Wirtz offered the following amendment to the bill:

Amend S. B. No. 148 by adding after Section 4 a new section to be known as Section 4a, to read as follows:

Sec. 4a. Nothing in this Act shall apply in the event removal of such offices, shops or round houses is made necessary by reason of the failure of the city or town in which same are located to furnish such railroad company adequate police protection for its employees and property during the pending of industrial disputes.

Senator Bowers moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Bailey.	Murphy.
Bowers.	Parr.
Clark.	Pollard.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Woods.
Lewis.	

Nays—9.

Baugh.	Turner.
Fairchild.	Watts.
Holbrook.	Wirtz.
McMillin.	Wood.
Ridgeway.	

Present—Not Voting.

Floyd.

Absent.

Witt.

Absent—Excused.

Burkett.

Rice.

Dudley.

(Pair Recorded.)

Senator Rogers (present), who would vote nay, with Senator Bledsoe (absent), who would vote yea.

Senator Holbrook offered the following amendment to the bill:

Amend S. B. No. 148, page 4, by adding new Art. 6435f to Section 2, to read as follows: In any case where property values are increased by the removal as herein referred to, the railroad company shall have the right to recover from the property owners the amount of such increased value, as is herein provided.

Senator Bowers moved to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—15.

Bailey.	Parr.
Bowers.	Pollard.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Wood.
Lewis.	Woods.
Murphy.	

Nays—12.

Baugh.	Ridgeway.
Cousins.	Rogers.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
McMillin.	Witt.

Absent—Excused.

Bledsoe.

Dudley.

Burkett.

Rice.

Senator Cousins offered the following amendment to the bill:

Amend Committee Substitute, S. B. No. 148, page 6, line 14, by striking out

the words, "person or persons," and substitute in lieu thereof the following: "employee or employees of such railway company or its receivers, purchasers or successors."

On motion of Senator Bowers the amendment was tabled.

Senator McMillin offered the following amendment to the bill:

Amend S. B. No. 148 by striking out the words: "vicinity" "or vicinity" and "and vicinity" wherever they occur in the bill.

On motion of Senator Bowers the amendment was tabled.

Question: Shall S. B. No. 148 be passed to engrossment?

S. B. No. 268 Set as Special Order.

On motion of Senator Fairchild, S. B. No. 268 was set as a special order for next Tuesday, following the morning call.

Recess.

On motion of Senator Clark, the Senate at 12:05 p. m. recessed until 2:30 p. m. today.

Afternoon Session.

The Senate met at 2:30 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

S. B. No. 148 on Engrossment.

The Senate resumed consideration of the special order, the same being S. B. No. 148, relating to the removal of railroad shops, on its passage to engrossment.

Senator Baugh offered the following amendment to the bill:

Amend S. B. No. 148, page 8, line 3 by inserting after the word "change" the following:

"Provided that the provisions of this Act shall apply only in cases where such railroad corporation has accepted a bonus, gift, conveyance of lands or other valuable property right as a consideration for the original location of its general offices, division offices, machine shops or round houses at such place or places."

Senator Bowers moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Bailey.	Lewis.
Bowers.	Murphy.
Clark.	Parr.
Cousins.	Pollard.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Fairchild.	

Nays—11.

Baugh.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Ridgeway.	Woods.
Turner.	

Absent—Excused.

Burkett.	Rice.
Dudley.	

(Pair Recorded.)

Senator Rogers (present), who would vote nay; with Senator Bledsoe (absent), who would vote yea.

Senator Clark moved the previous question on the passage of the bill to engrossment, and the main question was ordered.

Question: Shall S. B. 148 be passed to engrossment?

Yeas and nays were demanded, and the bill was passed to engrossment by the following vote:

Yeas—13.

Bailey.	Murphy.
Bowers.	Parr.
Clark.	Pollard.
Cousins.	Strong.
Doyle.	Stuart.
Fairchild.	Thomas.
Lewis.	

Nays—11.

Floyd.	Watts.
Baugh.	Wirtz.
Davis.	Witt.
Holbrook.	Wood.
McMillin.	Woods.
Turner.	

Absent—Excused.

Burkett.	Rice.
Dudley.	

(Pairs Recorded.)

Senator Rogers (present), who would vote nay; with Senator Bledsoe (absent), who would vote yea.

Senator Ridgeway (present), who would vote yea; with Senator Darwin (absent), who would vote nay.

Simple Resolution No. 71.

(By unanimous consent.)

By Senator Murphy:

Be it Resolved that Saturday, Feb. 24, 1923, be set aside for the consideration of Senate Bills on second reading and engrossment and that the presiding officer of the Senate is hereby requested to begin with the calling of all Senate Bills on second reading and engrossment, and if not more than three Senators present object, the Chair shall lay the bill before the Senate for consideration, but if more than three Senators present object, the bill shall not be placed before the Senate; and after the completion of the call of all Senate Bills on second reading, the Senate shall revert to the original calendar for said day.

Ridgeway, Parr, Stuart, Lewis, Baugh, McMillin, Thomas, Pollard, Cousins, Clark, Doyle, Watts, Wirtz, Floyd, Fairchild, Strong, Davis.

The resolution was read, and on motion of Senator Murphy was laid on the table subject to call.

S. B. No. 160 on Second Reading.

The Chair laid before the Senate as special order, on its second reading,

S. B. No. 160, A bill to be entitled "An Act providing for the execution of convicts, condemned to death, by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this Act; repealing certain statutes, and all laws or parts of laws in conflict herewith, and declaring an emergency."

(Senator Holbrook in the Chair.)

The bill was read second time, and passed to engrossment.

Motion to Suspend Constitutional Rule.

Senator Thomas moved that the constitutional rule requiring bills to be read on three several days in each

House be suspended, and S. B. No. 160 be put upon its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths majority:

Yeas—11.

Bailey.	Strong.
Bowers.	Thomas.
Darwin.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Pollard.	

Nays—13.

Baugh.	Murphy.
Clark.	Parr.
Cousins.	Ridgeway.
Doyle.	Stuart.
Fairchild.	Turner.
Lewis.	Watts.
McMillin.	

Absent.

Davis.	Woods.
Rogers.	

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Rice.

S. B. No. 134 on Passage to Third Reading.

Senator Parr called up S. B. No. 134 relating to sheep and cattle affected by scabies which was read the second time on February 22 and laid on the table subject to call.

The Chair laid the bill before the Senate with amendment by Senator Fairchild pending.

Senator Murphy raised the point of order on calling up from table Senate Bill No. 134, that, when this bill reached the Senate for consideration in its regular order on second reading, it was laid on the table subject to call. The Senate at this time is considering bills on third reading, which gives precedence to bills on third reading, under the rules. That no bills on table on second reading can be called up from table and take precedence over the bills on calendar on third reading.

The Chair (Senator Holbrook) overruled the point of order and ruled that a bill on the table subject to call could be called up at any time when nothing was pending before the Senate, and took precedence over bills on the calendar on third reading.

(Lieutenant Governor Davidson in the chair.)

Senator Bailey made the point of order that the pending amendment was unconstitutional.

The Chair (Lieutenant Governor Davidson) overruled the point of order and stated that unless the constitutional provision was carried forward in the rules, the chair would not pass upon the constitutionality of an amendment but would leave the question to the decision of the Senate in accepting or rejecting the proposed amendment.

Senator Parr moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Bailey.	McMillin.
Baugh.	Parr.
Bowers.	Ridgeway.
Clark.	Rogers.
Darwin.	Stuart.
Davis.	Witt.
Doyle.	Wood.
Lewis.	

Nays—11.

Cousins.	Strong.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Murphy.	Woods.
Pollard.	

Absent.

Thomas.

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Rice.

Senator Wirtz offered the following amendment to the bill:

Amend S. B. No. 134 by adding a new section 4a, to read as follows:

Sec. 4a. Nothing herein shall apply to the counties of Blanco, Caldwell, Comal, Hays, Guadalupe and Gonzales, but said counties are exempted from the provision of this Act.

Senator Parr moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—12.

Baugh.	Ridgeway.
Bowers.	Rogers.
Darwin.	Stuart.
Davis.	Turner.
Doyle.	Witt.
Parr.	Wood.

Nays—14.

Bailey.	Murphy.
Clark.	Pollard.
Cousins.	Strong.
Fairchild.	Thomas.
Floyd.	Watts.
Holbrook.	Wirtz.
McMillin.	Woods.

Present—Not Voting.

Lewis.

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Rice.

Question recurring on the amendment, yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—12.

Cousins.	Strong.
Davis.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
McMillin.	Wirtz.
Pollard.	Woods.

Nays—15.

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Ridgeway.
Clark.	Rogers.
Darwin.	Stuart.
Doyle.	Witt.
Holbrook.	Wood.
Lewis.	

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Rice.

Senator Cousins offered the following amendment to the bill:

Amend S. B. No. 134, by exempting from the provision of this bill Nacogdoches, San Augustine, Sabine, Newton, Tyler, Jasper, Hardin, Orange, Liberty and Jefferson counties.

On motion of Senator Parr, the amendment was tabled.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 134 as follows:

No provision of this bill shall apply to Anderson, Angelina, Cherokee, Trinity and Houston Counties of Texas.

Senator Parr moved to table the amendment, and the motion to table was lost.

The amendment was then adopted.

Senator Murphy moved to reconsider the vote by which the amendments offered by Senators Wirtz and Cousins were tabled.

On motion of Senator Bailey the bill was laid on the table subject to call.

Simple Resolution No. 71.

Senator Murphy called up from the table, Simple Resolution No. 71, providing for consideration of certain bills on Saturday, Feb. 24, which was laid on table today.

The chair laid the resolution before the Senate, and it was adopted.

S. B. No. 301—Motion to Concur in House Amendments.

Senator Cousins called up S. B. No. 301, and moved that the Senate concur in the following House amendments:

Amend Section 14 by striking out all after the words "Texas Employers' Insurance Association or any stock company," and add in lieu thereof the following words: "or any reciprocal or inter-insurance exchange or Lloyd's association authorized by the Commissioner of Insurance to write compensation insurance in this State."

Amend Section 9 by striking out all of said section and insert in lieu thereof the following:

"Sec. 9. Nothing in this Act shall be construed to prohibit the operation hereunder of any stock company, mutual company, reciprocal or inter-insurance exchange or Lloyd's association or to prohibit any stock company, mutual company, reciprocal or inter-insurance exchange or Lloyd's association issuing participating policies."

Add a section to be known as Sec. 15, as follows:

Sec. 15. The term Commissioners of Insurance and Banking, as used in this Act, shall be held to mean the Commissioner of Insurance, or such

officer as may hereafter be head of the insurance department of this State.

Renumber sections from 15 of the bill to the end, changing 15 to 16 and so on.

Amend S. B. No. 301, Section 8, by striking out all of Sec. 8, substituting in lieu thereof the following:

In addition to the duty of prescribing classifications and rates the commission shall prescribe a uniform policy for workmen's compensation insurance, and no company or association shall thereafter use any other form in writing workmen's compensation insurance in this State, provided, however, that any company or association may use any form of endorsement appropriate to its plan of operation, provided such endorsement shall be first submitted to and approved by the commission and any contract or agreement not written into the application and policy shall be void and of no effect and in violation of the provisions of this Act and shall be sufficient cause for revocation of license to write workmen's compensation insurance within the State."

On motion of Senator Davis, further consideration of the motion to concur was postponed until next Monday after the morning call.

S. B. No. 110—Free Conference Committee Report Adopted.

Senator Holbrook called up the Free Conference Committee report on S. B. No. 110.

The Chair laid before the Senate the report of the Free Conference Committee, which was read as follows:

Conference Committee Room,

Austin, Texas, Feb. 23, 1923.

To the Hon. T. W. Davidson, President of the Senate, and the Hon. R. E. Seagler, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred Senate Bill No. 110, have carefully considered the same and beg leave to report the following:

We recommend that the House recede from its amendment and that in lieu thereof the following amendment be adopted:

"Amend Senate Bill No. 110, (H. B. 219), page 1, by striking out all of Ar-

ticle 375 beginning on line 22, down to the word 'the' in line 28 and insert in lieu thereof the following:

"Article 375. The capital stock which shall be fully paid up, shall not be less than seventeen thousand and five hundred dollars for banks located in towns and villages having less than eight hundred inhabitants nor less than twenty-five thousand for banks located in towns and cities having eight hundred inhabitants and less than ten thousand inhabitants, nor less than fifty thousand dollars for banks located in towns and cities having ten thousand inhabitants and less than twenty thousand inhabitants, nor less than one hundred thousand dollars in towns and cities having twenty thousand inhabitants or more."

HOLBROOK.

WIRTZ.

WITT.

BOWERS.

ROGERS.

On the part of the Senate.

PRICE.

PATMAN.

LOFTIN.

On the Part of the House.

Senator Cousins moved to postpone further consideration of the committee report until after the morning call next Monday, and the motion was lost.

On motion of Senator Holbrook, the report of the Free Conference Committee was adopted.

S. J. R. No. 17—Motion to Reconsider.

Senator Fairchild moved to reconsider the vote by which the Senate on yesterday failed to pass S. J. R. No. 17, and to spread that motion on the Journal.

The motion prevailed.

S. B. No. 142 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 142, A bill to be entitled "An Act to amend Article 7137, of the Revised Statutes of Texas, relating to constables, providing for their elections and terms of office and for the appointment of two deputies in justice precincts of eight thousand inhabitants or more, and for the appointment of five

deputies in justice precincts where there is a city in said precinct of one hundred thousand inhabitants or more; and declaring an emergency."

The bill was read third time and passed.

S. B. No. 181 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 181, A bill to be entitled "An Act to amend Article 3362 of the Revised Statutes of the State of Texas relating to independent executors, their powers, and so forth."

Senator McMillin offered the following amendments to the bill:

(1)

Amend Senate Bill No. 181, line 28, page 1, by inserting the letter l between the letters t and y in the word party.

(2)

Amend Senate Bill No. 181 by inserting the words "or illegality" between the word "legality" and the word "is" in line 22, page 1 of said bill.

(3)

Amend Senate Bill No. 181 by striking out the entire sentence beginning with the word "if" in line 22, and ending with the word "payments" in line 28, on page 1 of said bill.

The amendments were adopted severally by unanimous consent.

S. B. No. 181 was then finally passed.

S. B. No. 222 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 222, A bill to be entitled "An Act creating and establishing the Santa Cruz Independent School District in Nueces County, Texas, defining its boundaries, providing for the election and qualification of trustees therefor and vesting said district with the rights, powers, duties and privileges of districts incorporated under General Law for free school purposes, and declaring an emergency."

The bill was read third time and passed.

S. B. No. 213 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 213, A bill to be entitled

"An Act to provide for the organization or admission and for the regulation and taxation of incorporated mutual insurance companies, and declaring an emergency."

The bill was read third time and passed.

S. B. No. 343 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 343, A bill to be entitled "An Act to amend Section 7, Chapter 104, General Laws, passed at the Regular Session of the Thirty-seventh Legislature, creating and establishing four counties out of the territory embraced in the counties of Cameron, Hidalgo, and Willacy, so as to provide for the collection of delinquent taxes in the new county as created and defined in the last paragraph of Section 1 of said chapter by the proper officers of said county, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Rice.

S. B. No. 324 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 324, A bill to be entitled "An Act amending Article 993, Penal Code, so as to make it unlawful for any person, corporation or company engaged in the manufacture or sale of electricity, water or gas, or officer or employee thereof, to knowingly permit

or cause any light, water or gas meter to register greater than the true amount of light, electricity, water or gas sold or furnished any customer; and declaring an emergency."

The bill was read third time.

Senator Clark offered the following amendment to the bill:

Amend Senate Bill No. 324, by adding after the word "law," page 2, line 17, the following:

"All water meters, gas meters and electric meters are subject at all times to inspection of the Department of Weights and Measures of the State of Texas, and it is hereby made the duty of said Department of Weights and Measures, either on its own motion or complaint of any user of any of the above named meters, to have same inspected as to its correctness, and if found incorrect, to discontinue its use until corrected, so that it will register correctly, and any person, firm or corporation refusing to discontinue such meter when so notified by the Department of Weights and Measures that it is incorrect, when so ordered to discontinue such meter, should fail, or refuse to comply with such order of the Department of Weights and Measures shall be punished by a fine of not less than \$25.00 and more than \$100.00, and each day he shall fail or refuse to comply with the order of the Department of Weights and Measures to discontinue same shall constitute a separate offense.

The amendment was adopted by unanimous consent.

S. B. No. 324 was then finally passed by the following vote:

Yeas—27.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Rice.

S. B. No. 152 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 152, A bill to be entitled "An Act to create and establish a Court of Record in Bowie County, Texas, and known as the Texarkana Court at Law, and limit the jurisdiction and powers of said court, and the territorial limits thereof; to conform the jurisdiction of the district and inferior courts thereto; to provide for the appointment, election and qualification of a judge and a clerk of said court, and fix their compensation and tenure of office, and define their duties and powers, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed.

S. B. No. 266 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 266, A bill to be entitled "An Act to amend Chapter 3, Special Laws of the Thirty-fifth Legislature, enacted at its Regular Session, creating the Hearne Independent School District; the said amendment providing for re-defining the boundaries of said school district and providing for the extension of said district and the annexation of adjacent territory thereto; providing for retention in office of present board of trustees and confirming the rights of the present board of trustees under the General Laws of the State; validating all taxes and bonds now in force; providing for elections to determine (1) whether or not the indebtedness of the Hearne Independent School District, (2) of the additional territory annexed by this Act, shall be assumed by the Hearne School District as extended by this Act, and (3) whether or not the taxes for the district shall be levied, assessed and collected on all property in said district as extended by this Act; and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—26.

Bailey.	Darwin.
Baugh.	Davis.
Clark.	Doyle.
Cousins.	Fairchild.

Floyd.	Strong.
Holbrook.	Stuart.
Lewis.	Thomas.
McMillin.	Turner.
Parr.	Watts.
Pollard.	Wirtz.
Rice.	Witt.
Ridgeway.	Wood.
Rogers.	Woods.

Present—Not Voting.

Bowers.	Murphy.
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Absent—Excused.

Bledsoe.	Dudley.
Burkett.	

S. B. No. 350 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 350, A bill to be entitled "An Act to create the Granbury Independent School District in Hood County, Texas, including the present Granbury District of said county, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts under the General Laws of Texas; providing that the board of trustees of the present Granbury District shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

The bill was read third time.

Senator Doyle moved to lay the bill on the table subject to call, and the motion was lost.

The roll was called and the bill was passed finally by the following vote:

Yeas—22.

Bailey.	McMillin.
Baugh.	Murphy.
Bowers.	Parr.
Clark.	Pollard.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Fairchild.	Turner.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Nays—1.

Doyle.

Present—Not Voting.

Watts.	Wirtz.
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Absent.

Ridgeway.	Rogers.
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Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Rice.

H. B. No. 415 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 415, A bill to be entitled "An Act to create the Laparita Valley Independent School District out of a part of the Charlotte Independent School District, and a part of the Jour-danton Independent School District, in Atascosa County, Texas; defining the metes and bounds; providing for a board of trustees therefor; defining their powers and duties; vesting it with all the rights and duties of districts incorporated for free school purposes under the General Laws of the State of Texas; providing for the payment by the Laparita Valley Independent School District of the pro rata share of the bonded indebtedness of the Charlotte Independent School District, respectively, and validating said obligations; providing for commissioners to estimate and fix said pro rata whereof said bonded indebtedness, and providing for the compensation of said commissioners; repealing all Special Laws insofar as they conflict herewith, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Bledsoe.
Burkett.Dudley.
Rice.**H. B. No. 432 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 432, A bill to be entitled "An Act creating the Green Lake Common School District No. 8 in Roberts County, Texas; defining its boundaries; investing said district with rights, privileges and duties of a common school district, under the emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Bledsoe. Dudley.
Burkett. Rice.**S. B. No. 455 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 455, A bill to be entitled "An Act repealing Chapter 96 of the Special Law passed at the Third Called Session of the Thirty-sixth Legislature of the State of Texas, and now recreating the Sharp Independent School District in Milam County, Texas, and placing said district under the General Laws governing the school districts incorporated for school purposes only under the General Laws of Texas; providing for a board of trustees; providing that this Act shall not invalidate local school taxes heretofore voted by the previously existing Common School Dis-

trict No. 76 of Milam County, nor of the previous Sharp Independent School District, and declaring an emergency."

The bill was read the third time and passed by the following vote:

Yeas—27.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Bledsoe. Dudley.
Burkett. Rice.**H. B. No. 456 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 456, A bill to be entitled "An Act transferring certain lands from Johnson Independent School District in Terry County, Texas, to and making same a part of Harris Common School District No. 18 in Terry county, Texas; providing that the county school trustees of Terry county shall re-define the boundaries of said Johnson Independent School District and Harris Common School District No. 18 and cause correct field notes of each of said districts to be recorded in the proper records of Terry county, and declaring an emergency."

The bill was read the third time and passed by the following vote:

Yeas—27.

Bailey.	Holbrook.
Baugh.	Lewis.
Bowers.	McMillin.
Clark.	Murphy.
Cousins.	Parr.
Darwin.	Pollard.
Davis.	Ridgeway.
Doyle.	Rogers.
Fairchild.	Strong.
Floyd.	Stuart.

Thomas.	Witt.
Turner.	Wood.
Watts.	Woods.
Wirtz.	
Absent—Excused.	
Bledsoe.	Dudley.
Burkett.	Rice.

H. B. No. 477 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 477, A bill to be entitled "An Act taking certain territory from the Estelline Independent School District in Hall County, and from Parnell Common School District No. 18 in Hall County and adding same to Hulver Common School District No. 5 in Hall County; providing for an election at which the qualified taxpaying voters of said Hulver District, as thus enlarged, may determine whether it shall assume and be taxed to pay the pro rata portion of taxes, which the said territory taken from said adjacent districts may be subject to on account of any outstanding school house bond issues previously made by such districts, and whether the property in said Hulver District, as enlarged, shall all be subject to any special school taxes previously voted by said Hulver District, and whether the property of such district, as so enlarged, shall be subject to taxes for the support of any previous bond issue by the defining of the boundary lines of said district, as thus enlarged; specifying the jurisdiction which the county board of school trustees shall have with respect to the boundaries and territory of such enlarged district, and declaring an emergency."

The bill was read the third time and passed by the following vote:

Yeas—27.

Bailey.	Pollard.
Baugh.	Parr.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Rice.

H. B. No. 63 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 63, A bill to be entitled "An Act to establish and create a court to be known as the 'Corporation Court in Port Arthur, Texas,' and to prescribe its organization, jurisdiction and procedure of other courts thereto, repeal all laws in conflict herewith, and declaring an emergency."

The bill was read the third time.

Senator Thomas offered the following amendment to the bill:

Amend House Bill No. 63 by striking out "where a fine in excess of twenty-five dollars has been imposed" on lines 19 and 20, page 7, Section 18.

On motion of Senator Cousins, the amendment was tabled.

Senator Bailey moved that the bill be laid on the table subject to call.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—12.

Bailey.	Parr.
Doyle.	Rogers.
Floyd.	Turner.
Holbrook.	Watts.
McMillin.	Wirtz.
Murphy.	Woods.

Nays—13.

Bowers.	Pollard.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Witt.
Fairchild.	Wood.
Lewis.	

Present—Not Voting.

Baugh.

Absent.

Ridgeway.

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Rice.

The roll was called and H. B. No. 63 was finally passed by the following vote:

Yeas—17.

Bowers.	Parr
Clark.	Pollard.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Fairchild.	Turner.
Floyd.	Witt.
Lewis.	Wood.
McMillin.	

Nays—3.

Murphy.	Watts.
Thomas.	

Present—Not Voting.

Bailey.	Holbrook.
Baugh.	Wirtz.
Doyle.	Woods.

Absent.

Ridgeway.

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Rice.

H. B. No. 606 on Second Reading.

On motion of Senator Davis the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 606 was put upon its second reading and passage to third reading by the following vote:

Yeas—27.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Rice.

The Chair then laid before the Senate on its second reading and passage to third reading,

H. B. No. 606, A bill to be entitled "An Act to re-organize the Thirty-eighth and Sixty-third Judicial Dis-

tricts of the State of Texas; and to prescribe the time and fix the terms of holding the courts in each of said judicial districts; and to conform all writs and process from such courts to such changes, and to make all process issued or served before this act takes effect, including recognizances and bonds, returnable to the terms of the courts in the several districts as herein fixed and to validate process, and to validate the summoning of grand and petit jurors and juries; repealing all laws and parts of laws in conflict herewith and declaring an emergency.

The bill was read second time and the committee report that the bill be not printed was adopted.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and the bill was passed to third reading.

H. B. No. 606 on Third Reading.

On motion of Senator Davis the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 606 was put upon its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent—Excused.

Bledsoe.	Dudlev.
Burkett.	Rice.

The Chair then laid H. B. No. 606 before the Senate on its third reading, and final passage.

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Clark.
Baugh.	Cousins.
Bowers.	Darwin.

Davis.	Rogers.
Doyle.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woods.
Ridgeway.	

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Rice.

S. B. No. 256—Set as Special Order.

Senator Darwin moved to set S. B. No. 256 as a special order for next Friday after the morning call.

The roll was called and the motion prevailed by the following vote:

Yeas—19.

Bowers.	Parr.
Cousins.	Pollard.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Fairchild.	Turner.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	

Nays—7.

Bailey.	Thomas.
Baugh.	Watts.
Clark.	Woods.
Murphy.	

Absent.

Ridgeway.

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Rice.

Message From the Governor.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the Senate, and being duly announced, presented the following message from the Governor, which was read to the Senate, as follows:

Austin, Texas, Feb. 23, 1923.

To the members of the Senate and House of the Thirty-eighth Legislature:

The Thirty-seventh Legislature, in Chapter 57 of the General Laws of the

First Called Session thereof, provided that the Governor, the Land Commissioner, and the Attorney General should constitute the Texas Penitentiary Relocating Commission, for the purpose of relocating the penitentiary at a point within seventy-five miles of the city of Austin.

We, the Commission therein constituted, beg leave to report the result of our work, as follows:

We, the Commission, first visited the penitentiary headquarters and all of the farms and lands owned, except the Bowie County Farm and the land in Cherokee County, for the purpose of getting in mind the requirements of the system. We then visited and inspected a number of proposed sites that were pointed out by citizens as suitable places at which to re-establish the penitentiary system within seventy-five miles of the city of Austin.

The full committee did not find any site within the prescribed area that in its judgment met the requirements of the penitentiary system that would justify entering into contracts authorized by the Act creating the Commission, especially under the restrictions imposed upon the committee under said Act. Since no suitable site was found, it was deemed inadvisable to enter into contracts for the disposal of the properties belonging to the penitentiary system.

In this connection, however, it is proper here to report that one member, the Land Commissioner, visited the area on both sides of the Guadalupe River, located in Comal and Guadalupe Counties, and reported to the committee that in his judgment a suitable site as set forth in the law creating the Commission could be found there and attaches his reasons therefor.

Respectfully,
PAT M. NEFF,
Governor.

J. T. ROBISON,
Land Commissioner.

W. A. KEELING,
Attorney General.

The Site Selected by the Land Commissioner, and Reason Therefor.

The seventy-five mile radius around Austin includes an area about as follows:

All of Travis, Williamson, Lee, Fayette, Bastrop, Caldwell, Guadalupe, Comal. Hays, Blanco, Burnet, Bell, ex-

cept probably a small bit of the two most northern corners, a bit of the south corner of McLennan, south of Moody, south or southeast corner of Falls, west part of Milam from a point east of Gause, west half of Burleson, west end of Washington, west corner of Austin County, west side of Colorado, west part of Lavaca, north corner of DeWitt, Gonzales except south corner, north part of Wilson, east half of Bexar, probably to San Antonio, Kendall except southwest corner, northeast corner of Kerr, east half of Gillespie, east three-fourths of Llano, southeast corner of San Saba, south three-eighths of Lampasas, south third of Coryell.

That radius will be based upon a straight measure according to scale of the map and will, for practical purposes, include the following portions of the railroads named, to-wit:

M. K. & T. Ry. from just north of Troy in Bell County to San Antonio, Bexar County, and to about Pisek in Colorado County.

I. & G. N. Ry. from east of Gause in Milam County to San Antonio.

The G. C. & S. F. Ry. from south of Moody in McLennan County and east of Lometa in Lampasas County to near but west of Lyons in Burleson County.

H. & T. C. Ry. from east of Burton in Washington County to west of Llano in Llano County.

S. A. & A. P. Ry. from north of Rosebud in Falls County to near Yoakum in Lavaca County and from San Antonio to west of Comfort in Kendall County.

S. P. Ry. from Nixon in Gonzales County to San Antonio in Bexar County.

I have been drawn to the conclusion that a complete or ideal penal institution should carry farm and factory side by side to the end that all inmates could have their special adaptations directed in the most profitable employment. Also, to the end that maximum production could be achieved with minimum expenditure, water power should be available for factory and fertile land capable of being cultivated with the least labor should be acquired and if they could be found together, that would be the nearest to the ideal. From maps of the General Land Office one can often determine something of the quality of the land in a given locality. Knowing something of the area limiting our privilege of selection, and studying the Land Office maps,

my attention was drawn to the area along the Guadalupe River south of New Braunfels and along the San Marcos River south of San Marcos, and along the Colorado River south of Austin as far as Webberville. This last tract was pointed out by Mr. J. B. Manor who owns some 3,000 acres near Webberville.

This last area presents some splendid features and is perhaps second only to the Guadalupe area.

I inspected the San Marcos and the Guadalupe areas upon my own initiative.

Reaching New Braunfels, I informed Mr. Blumberg, president of the State Bank, as to my purpose and solicited his co-operation in finding a citizen who knew the county to accompany me. Messrs. Herman Zipp and Richard Kohlenberg favored me with their assistance.

Both sides of the Guadalupe River were inspected from the I. & G. N. Ry. bridge at New Braunfels down to the Southern Pacific Ry. near Seguin in Guadalupe County, dipping into the river at intervals on both sides.

This area has on the west side the New Braunfels and Seguin public road; on the north the I. & G. N. and M. K. & T. Rys.; on the south the S. P. Ry.; on the east several miles of as fertile soil from chocolate to black waxy as can be found in our State.

The Guadalupe River traverses this area practically north and south. From the I. & G. N. crossing at New Braunfels to the S. P. crossing above Seguin on a straight line is about ten miles. The public road on the west side of the river approaches it from a few hundred yards to a mile. While the soil is very fertile there are at intervals near the river small elevated areas of yellowish clay and gravel that seem to have been placed there for building sites. In this area may be found some 50,000 acres of first class soil, and within that area there is less waste land and more well improved farm homes than in any similar area within my knowledge in the State. That is indicative of the productivity of the soil and the industrious and economical owners.

The Guadalupe is a stream of clear water. It is perhaps more constant in its flow than any other stream in the State unless possibly Devils River. Water power sufficient to run all factories needed in a penal institution can be developed with small expense.

The quality of being easily tilled is so inherent in the soil of this area that one can cultivate twice as much acreage as can now be tilled on the present prison farms. If the State owned this area it could work half the prisoners in factories and the others could cultivate as much land as is now cultivated by all of them. Within a few hundred yards of the area outlined herein are large quantities of stone, limestone and other materials for making lime, cement and road building material.

If the State moves the penitentiary it should be relocated on the Guadalupe River and within the area designated herein.

While the selection of a site within seventy-five miles of Austin is the extent to which I think the Board is authorized to act, yet, I will suggest if the Legislature does not deem it wise to move and relocate the system, it should by all means sell some of the farms and concentrate at some others. One of the two seems to be imperative if the public is to be relieved of the present taxes that are from time to time appropriated out of the Treasury to cover its operating losses.

However, if I were permitted to indulge in the nature of a long distance forecast it would be that the Legislature could give away (but I do not mean it should do so) the present prison property, acquire some 40,000 to 50,000 acres within the outlined Guadalupe area, construct a proper prison plant and in ten years the prison system would be out of debt and begin to turn revenue into the State's Treasury.

Yours very truly,
J. T. ROBISON,
Commissioner General Land Office.

Bills Read and Referred.

The Chair has referred, after their captions had been read, the following House bills:

H. B. No. 528, referred to Committee on Educational Affairs.

H. B. No. 606, referred to Committee on Judicial Districts.

H. B. No. 254, referred to Committee on Civil Jurisprudence.

H. C. R. No. 3, referred to Committee on Rules.

Recess.

Senator Wirtz moved to adjourn until Monday at 10 a. m. and the motion was lost.

Senator Woods moved to adjourn until tomorrow at 10 a. m. and the motion was lost.

On motion of Senator Clark the Senate at 6:05 p. m. recessed until 10 o'clock a. m. tomorrow.

After Recess.

(Saturday, Feb. 24, 1923.)

The Senate met at 10 o'clock a. m. and was called to order by Lieutenant Governor T. W. Davidson.

Simple Resolution No. 72.

By Senator Bailey:

Whereas, Hon. A. O. Wright, of Jacksonville, Florida, admiral commanding the Navy Department, United Confederate Veterans' is now in the city, therefore

Be it Resolved, That he be invited to address the Senate and be extended the courtesies of the Senate.

The resolution was read and adopted.

The Chair appointed Senators Bailey, Watts and Holbrook as a committee to escort Admiral Wright to the President's stand, and he addressed the Senate.

H. B. No. 468 on Passage to Third Reading.

Senator Bledsoe called up H. B. No. 468 relating to creation of Ninety-second Judicial District, which was read the second time on February 21, and laid on the table subject to call.

The Chair laid the bill before the Senate.

The committee report that the bill be not printed was adopted, and the bill was passed to third reading.

S. B. No. 132 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 132, A bill to be entitled "An Act to amend Article 1460,

Chapter 2, Title 29, of the Revised Civil Statutes of 1911 as amended by Chapter 131, General Laws, passed at the regular session of the Thirty-fourth Legislature, and as further amended by Chapter 134, General Laws, passed at the Regular Session of the Thirty-fifth Legislature, relating to the appointment and compensation of county auditors in counties containing a population of forty thousand or over, or having a taxable valuation of fifteen million dollars, or over, and declaring an emergency."

The bill was read second time.

Senator Floyd offered the following amendment to the bill:

Amend S. B. 132, page 1, line 24, by striking out the words "forty thousand" and insert in lieu thereof the following: "Forty-five thousand"

The amendment was adopted.

Senator Woods offered the following amendment to the bill:

Amend Senate Bill No. 132 as follows:

Strike out all of article 1460 from and after the comma following the word, "qualified" on line 29, page 1 of the bill, down to and including the word, "court" on line 3, page 2 of the bill, and insert in lieu thereof the following:

"And who shall receive as compensation for his services an annual salary to be fixed by the County Commissioners' Court, not to be less than Eighteen Hundred Dollars (\$1,800.00) and not to be more than Thirty-six Hundred Dollars (\$3,600.00), to be paid in monthly installments out of the general funds of the county, upon orders of the Commissioners' Court. In fixing the salary the Commissioners' Court may take into consideration the population of the county and assessed values thereof, and the amount and nature of the duties and responsibilities of the office in such county. Said salary shall be fixed by said Court at the time of the beginning of his term of office, and shall not be increased or diminished during said term of office."

Question: Shall the amendment be adopted.

On motion of Senator Parr, the bill was passed on the calendar and the following proposed amendments were ordered printed in the Journal for the information of the Senate:

Amend Senate Bill No. 132, page 1, line 26, after the word "there" and before the word "be," by striking out the word "shall" and inserting in lieu thereof the word "may."

FAIRCHILD.

Amend Senate Bill No. 132, page 1, lines 30 and 31, by striking out the words and figures one hundred and fifty dollars (\$150) and insert in lieu thereof the following, one hundred and twenty-five dollars (\$125).

FLOYD.

S. B. No. 195 and H. B. No. 308 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading, Senate Bill No. 195, whereupon the Chair, under the Senate rules, laid before the Senate, on second reading,

H. B. No. 308, A bill to be entitled "An Act to prevent the selling of bass, perch, or crapp, or catfish, taken from the fresh waters in the county of Comal, State of Texas; making it unlawful to use any dynamite or other explosives in the killing or catching of any fish of the fresh waters of said county, and providing a penalty for the violation thereof; prohibiting the use of any seine, drag net, trammel net or other net other than a minnow seine, which shall not be more than ten feet in length and the meshes of which shall not be smaller than one-fourth inch; providing for a closed season; prescribing the size of fish that may be taken; limiting the number of bass to be taken in any one day; providing that the district judge of the judicial district in which Comal County is situated shall give a special charge upon this law to the grand juries of Comal County; providing a penalty for the violation thereof, and declaring an emergency."

Being on the same subject, the bill was read second time and passed to third reading.

S. B. No. 341—Additional Author.

On motion of Senator Stuart, the name of Senator Davis was ordered added as one of the authors of Senate Bill No 341.

S. B. No. 164 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 164, A bill to be entitled "An Act to amend Chapter 1, Title 29, of the Revised Civil Statutes of Texas of 1911, by adding thereto Articles 1459a and 1459b; providing for the auditing of the books, records and accounts of district, county and precinct officers, agents, and employes and of institutions maintained by the county, and at public expense, or order of the county commissioners' court; and declaring an emergency."

The bill was read second time and passed to engrossment.

S. B. No. 228 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 228, A bill to be entitled "An Act to amend Title 29 of the Revised Statutes of the State of Texas and Chapter 2 thereof, and Article 1467a, 1468 and 1476 thereof, and Chapter 134 of the General Laws of the Regular Session of the Thirty-fifth Legislature, page 339 thereof, providing more fully for placing common and independent school district accounts and funds under the supervision and control of the county auditor in counties having a county auditor; also by adding thereto Article 1467b with respect to the accounts thereof, and repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Murphy offered the following amendments to the bill:

(1)

Amend Senate Bill No. 228, page 1, by inserting between the words "districts" and "of," line 26, the following: "of less than five thousand scholastics created by special act of the Legislature or by vote of the people."

(2)

Amend Senate Bill No. 228, page 2, by striking out, beginning with the word "provided," line 7, and ending with the word "auditor," line 13.

(3)

Amend Senate Bill No. 228, page 2, by striking out, beginning with

the word "such," line 17, and ending with the word "countersigned," line 20.

(4)

Amend Senate Bill No. 228, page 2, by striking out, beginning with the word "and," line 26, to and including the word "districts," line 20.

(5)

Amend Senate Bill No. 228, page 2, by inserting between the words "and" and "common," line 23, the following: "such."

The amendments were adopted severally.

Senate Bill No. 228 was passed to engrossment.

S. B. No. 193 on Second Reading.

The Chair laid before the Senate as regular order, on second reading,

S. B. No. 193, A bill to be entitled "An Act accepting certain lands or bancos along the Rio Grande adjacent to the State of Texas, which territory has been acquired by the United States of America by virtue of a treaty with the United States of Mexico, dated March 20, 1905, and ceded by the United States of America to the State of Texas by an Act of Congress, approved January 27, 1922, and declaring an emergency."

The bill was read second time and passed to engrossment.

S. B. No. 317 on Passage to Engrossment.

Senator Rogers called up Senate Bill No. 317, which was read second time on yesterday and laid on the table subject to call.

The Chair laid the bill before the Senate on its passage to engrossment.

Senator Rogers offered the following amendment to the bill:

Amend S. B. No. 317 by adding after Section 1 the following:

Provided that nothing herein shall be construed to validate or invalidate any contract entered into or paving certificate issued under laws or provisions of city charters heretofore existing.

The amendment was adopted.

S. B. No. 317 was then passed to engrossment.

S. B. No. 21 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 21, A bill to be entitled "An Act to permit the defendants in cases in which requisitions have been issued for them by the Governor and where they appeal their cases to the Court of Criminal Appeals to give bond the same as defendants in other felony cases, and declaring an emergency."

The bill was read second time.

Senator Murphy offered the following amendments to the bill:

Amend the caption by striking out all after the words "to be entitled," that is, all of lines Nos. 7, 8, 9 and 10, and inserting in lieu thereof the following:

"An Act to permit applicants for writ of habeas corpus in criminal cases, when the relief prayed for is denied by the judge of the court to whom the application is made and who prosecutes an appeal from the order of said judge or court to the Court of Criminal Appeals to be released on bail pending the appeal in all save capital cases, the amount of bail to be fixed by the judge trying the case and the order entered upon the minutes of the court, the bail bond to be executed and approved under the same provisions of law which govern the bail on appeal in criminal cases after verdict of conviction as provided for by the existing law."

Amend Senate Bill No. 21, Section 1, by striking out all of lines Nos. 13, 14, 15, 16, 17, 18 and all of 19 up to and including the word "court," and in lieu of the matters stricken from said bill insert the following:

"And such person shall make application to any court or judge of competent jurisdiction for writ of habeas corpus and if upon hearing he be denied his relief, shall appeal from such ruling under the provisions of Title 10, Code of Criminal Procedure of this State, if he be not charged with a capital offense."

Amend Senate Bill No. 21, Section 2, line 24, by inserting after the word "cases," the words "and other habeas corpus matters."

The amendments were adopted severally.

S. B. No. 21 was then passed to engrossment.

(Senator Bailey in the Chair.)

S. B. No. 216 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 216, A bill to be entitled "An Act amending Chapter 3 of Title 49, of the Revised Civil Statutes of 1911, by adding thereto Article 2933, another article numbered 2933a, providing a means by which candidates may get their names on the official ballots in election to fill vacancies in the Senate or House of Representatives of this State; and declaring an emergency."

The bill was read second time and passed to engrossment.

S. B. No. 274 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 274, A bill to be entitled "An Act to amend Chapter 16 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its First Called Session, changing the time of holding courts in the Thirty-third Judicial District of Texas by providing that said court shall hold three terms of two weeks each in Gillespie County, and by providing that the two terms of said court to be held in Burnet County may continue in session for three weeks each, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

S. B. No. 248 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 248, A bill to be entitled "An Act to require a record kept and report made of attendance of teachers at summer normals and county institutes and providing full pay for attendance upon teachers' institutes."

The bill was read second time.

Question: Shall the bill be passed to engrossment?

Bills Signed.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the

Senate, after their captions had been read, the following bills:

S. B. No. 298.
S. B. No. 42.
S. B. No. 158.
S. B. No. 335.
S. B. No. 115.
S. B. No. 117.
S. B. No. 118.
H. B. No. 295.
H. B. No. 367.
H. B. No. 335.
H. B. No. 225.
H. B. No. 428.
H. B. No. 427.
H. B. No. 478.

Message From the Governor.

Mr. R. B. Walthall, private secretary to the Governor, was announced at the bar of the Senate, and being duly announced, delivered the following executive message:

Governor's Office,
Austin, Texas, Feb. 24, 1923.
To the Senate and House of Representatives of the Thirty-eighth Legislature:

This is to advise you that the penitentiary system of Texas is now, and has been for some months, running on a deficiency and that it will have no income until the cotton crop is gathered during the fall of this year. It is necessary that this institution be placed on a financial basis where the necessary supplies can be had without being forced to buy them on credit and thereby pay the increased price necessary for such purchases.

The penitentiary has at this time on hand in cash about \$70,000 with bills payable, which have accumulated during the past few months, amounting to approximately \$300,000. It takes about \$85,000 or more per month for the necessary expenses in running the penitentiary. In other words, it costs this amount of money each month to guard, to clothe, to feed, and to pay the actual expenses in the bringing of new convicts to the penitentiary and in discharging the old convicts as their terms expire. These expenses must be met each month.

On this basis as to the financial condition of the penitentiary at this time, it can be clearly seen that it will take about \$900,000 for the necessary expenses in running the penitentiary un-

til our cotton crop begins to move, which will be in the month of September of this year. The financing of the penitentiary is an emergency matter that should, in my opinion, be arranged during this Regular Session of the Legislature, and I recommend that the Legislature do, at the earliest date possible, whatever it thinks wise, looking to the placing of the penitentiary system on an operating financial basis from now until crop gathering time in September this year.

Respectfully,
PAT M. NEFF, Governor.

Recess.

Senator Bowers moved that the Senate adjourn until 10 a. m. Monday, and the motion was lost.

Senator Clark moved that the Senate recess until 2:30 p. m. today, and the motion was lost.

On motion of Senator Pollard, the Senate at 12 o'clock noon, recessed until 2 p. m. today.

Afternoon Session.

The Senate met at 2 p. m. and in the absence of the Lieutenant Governor, and the President Pro Tem, was called to order by Secretary W. V. Howerton.

The Secretary announced that nominations for president pro tem to preside until the return of the regular presiding officers were in order.

Senator Murphy nominated Senator Rogers.

Senator Rogers was elected unanimously.

S. B. No. 248 on Engrossment.

The Senate resumed consideration of S. B. No. 248, which was under consideration when the Senate recessed this morning.

Senator Fairchild offered the following amendment to the bill:

Amend by adding new section. Also to pay hotel bill and train fare.

On motion of Senator Stuart, the amendment was tabled.

S. B. No. 248 was then passed to engrossment.

S. B. No. 219 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. B. No. 219, A bill to be entitled "An Act amending Article 695a of the Penal Code of the State of Texas."

The bill was read second time.

Senator Holbrook offered the following amendment to the bill:

Amend S. B. No. 219 as follows:

In S. B. No. 219, page 1, lines 25, 26, 27 and 28 strike out the words "provided, however, that the provisions of this bill shall not affect any municipal corporation situated on tide water; that is to say where the tide ebbs and flows in such water course" and insert in lieu thereof the following: provided further that drain ditches, where waste oil finds its way into water courses or public bodies of water, shall be equipped with traps of sufficient capacity to arrest the flow of oil. Insofar as concerns the protection of fish and oysters, the Game, Fish and Oyster Commissioner, or his deputies, may have jurisdiction in the enforcement of this Act.

The amendment was adopted.

S. B. No. 219 was then passed to engrossment.

S. B. No. 207 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. B. No. 207, A bill to be entitled "An Act to regulate the taking of fish from that part of fresh water streams situated within the limits of any incorporated city, town or village in this State; prescribing a penalty for the violation of this Act and declaring an emergency."

The bill was read second time.

Senator Baugh offered the following amendment to the bill:

Amend S. B. No. 207, page 1, line 16 by striking out the words "one such line" and insert in lieu thereof the following: "two such lines."

The amendment was adopted.

S. B. No. 207 was then passed to engrossment.

S. B. No. 246 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. B. No. 246, A bill to be entitled

"An Act to amend Chapter 36, Section 1, Acts of the Thirty-sixth Legislature, providing for emergency transfer of school children, and declaring an emergency."

The bill was read second time and passed to engrossment.

S. B. No. 249 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. B. No. 249, A bill to be entitled "An Act to provide for the issuance of serial coupon bonds for the purpose of constructing teachers' homes and purchasing lands in connection therewith, and declaring an emergency."

The bill was read second time.

Yeas and nays were demanded and the bill was ordered engrossed by the following vote:

Yeas—19.

Baugh.	Parr.
Bledsoe.	Pollard.
Cousins.	Rogers.
Davis.	Stuart.
Doyle.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Lewis.	Wirtz.
McMillin.	Woods.
Murphy.	

Nays—2.

Bailey.	Clark.
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Present—Not Voting.

Strong.

Absent.

Bowers.	Ridgeway.
Darwin.	Witt.
Holbrook.	Wood.

Absent—Excused.

Burkett.	Rice.
Dudley.	

S. B. No. 251 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. B. No. 251, A bill to be entitled "An Act to amend Article 2904, Revised Statutes, 1911, forbidding trustees and teachers to be interested in the sale of text books, and declaring

an emergency."

The bill was read second time and was passed to engrossment.

S. B. No. 261 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 261, A bill to be entitled "An Act to amend Chapter 6, Title 32 of the Revised Statutes of Texas, 1911, by adding thereto Article 1609a, providing that when there is a defect in substance, form or parties in any petition for a writ of error pending before any of the Appellate Courts of this State, the writ of error shall not be dismissed because of such defects until after the plaintiff in error is given an opportunity to cure the same, and the Appellate Court shall grant the plaintiff in error not less than thirty days additional time after notice of such defects, in which to correct the same by amendment, or as the court may direct, and making the amendment apply to all writs of error pending before any of the Appellate Courts at the time of the passage of this Act, repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 261, page 2, line 5, of the printed bill, by inserting the word "not" between the words "shall" and "apply," and strike out the word "all" in said line 5.

The amendment was adopted.

S. B. No. 261 was then passed to engrossment.

S. B. No. 269 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 269, A bill to be entitled "An Act to amend Title 37 of the Revised Civil Statutes of the State of Texas entitled 'Courts—District and County—Practice In,' by adding thereto Chapter 12a relating to procedure in civil district courts in counties having two or more district courts with civil jurisdiction only and whose terms continue three months or longer."

The bill was read second time.

Senator Murphy offered the following amendments to the bill:

(1)

Amend the bill, page 8, line 26, by striking out the word "appelds" and insert the word "appeals."

(2)

Amend the bill, page 8, line 8, by inserting after the word "motions" and before the word "the" the following, "and amended motions."

(3)

Amend the bill, line 23, page 7, by striking out the comma after the word "advisable."

(4)

Amend the caption of the bill, line 8, page 1, by striking out the word "Courts" and insert in lieu thereof the word "County."

(5)

Amend the bill, page 1, line 17, by adding the letter "s" to the word "Court."

(6)

Amend the bill, page 8, line 8, by striking out the word "acted" and insert in lieu thereof the word "presented."

(7)

Amend the bill, page 1, line 13, by adding before the word "That" the words "Section 1."

(8)

Amend the bill, page 8, line 17, by inserting after the word "time" the following: "within twenty days after it is filed."

(9)

Amend the bill in line 11 by placing before the word "motion" the word "original."

(10)

Amend the bill, page 8, line 9, by inserting after the word "the" and before the word "motion," the word "original."

(11)

Re-number Subdivision 7, page 4, line 4. 8, and thence on down correctly including Subdivision 18.

(12)

Amend the bill, page 9, line 23, by striking out Subdivision 19 and insert in lieu thereof Section 2.

(13)

Amend S. B. No. 269, page 2, line 32, by striking out all after the word "its" down to the word "or" on page 4, line 1, and insert in lieu thereof the following:

"Issuance shall direct, which shall be not less than thirty days nor more than one hundred and twenty days after the date of issue and shall notify and command the defendant or person

to be served to appear and answer at or before ten o'clock a. m. of the Monday next following the expiration of twenty days after the return day of the citation or notice, and shall specify the day of the week, the day of the month and the time of day the defendant is required to appear and answer, and shall be served on or before the return day, and if any defendant so served does not appear and answer at or before the time specified in the citation or notice, judgment by default may be rendered against such defendant.

Subd. 4. Where the citation, or service thereof, is quashed on motion of the defendant, such defendant shall be deemed to have entered his appearance at ten o'clock a. m. on the Monday next after the expiration of twenty days after the day on which the citation or service is quashed, and such defendant shall be deemed to have been duly served so as to require him to appear and answer at that time, and if he fails to do so, judgment by default may be rendered against such defendant.

Subd. 5. Writs of attachment shall be executed immediately after their issuance and every such writ shall be made returnable on or before ten o'clock a. m. of the Monday next after the expiration of fifteen days from the issuance of the writ, and the officer executing the writ shall return the writ at or before that time with his action endorsed thereon or attached thereto, signed by him officially, showing how he has executed the writ.

Writs of garnishment shall be executed immediately after their issuance and every such writ shall command the sheriff or constable to summon the garnishee to appear at or before ten o'clock a. m. of the Monday next following the expiration of twenty-five days from the date the writ was issued, and the writ shall specify when and where the garnishee is required to answer and the officer receiving the writ of garnishment shall immediately proceed to execute the same, and shall within fifteen days after the issuance of the writ make his return showing how he has executed the writ. If the garnishee fails to make answer to the writ at or before ten o'clock a. m. of the Monday next following the expiration of twenty-five days from the date of the writ he shall be in default and it shall be lawful for the court, at any time after judgment shall have been

rendered against the defendant, to render judgment against the defendant, with all accruing interest and costs. The plaintiff in garnishment shall have fifteen days after the garnishee's answer is filed within which to controvert the same if he so desires.

All other writs and process not expressly otherwise provided for in this Act and which under the General Law are now returnable to the first day of the next term of court after the issuance thereof, and which require the defendant or person served to appear on the first day of the next succeeding term, shall, under this Act, be returnable fifteen days after the date thereof and shall be executed and returned at or before the expiration of fifteen days from the date thereof and shall require the defendant or party served to appear and answer at or before ten o'clock a. m. of the Monday next after the expiration of twenty-five days after such writ or process was issued, and all such writs or process shall so specify. All writs and process issued after this Act takes effect shall in form conform to the forms required by general laws in force at the time this Act takes effect.

Subd. 6. In cases appealed to said district courts from county courts or other inferior courts, the appeal, including transcript, shall be filed in the district court within thirty days after the rendition of the judgment or order appealed from, and the appellee shall enter his appearance on the docket or answer to said expiration of twenty days from the date the appeal is filed in the district court.

Subd. 7. Pleas of privilege shall be filed at or before the time the defendant is required to answer, and shall on or before that date be set for hearing by the court within not exceeding thirty days after being filed and shall be determined by the court within not exceeding ten days after the date for which the same is set unless postponed or continued without prejudice, by order or leave of the court.

(14)

Amend S. B. 269 by striking out all after the word "case," page 5, line 32, (being page 6) to the word "each" page 7, line 1, and insert in lieu thereof the following:

Or proceeding pending in another court without having the case transferred, or may sit in any other of said courts and there hear and determine any case there pending, and every

judgment and order shall be entered in the minutes of the court in which the case is pending at the time the judgment or order is rendered, and two or more judges may try different cases in the same court at the same time, and in doing so each may occupy his own court room or the room set apart for any of the other courts, and the judge of any of such courts may issue restraining orders and injunctions returnable to any other judge or court, and any judge may transfer any case or proceedings pending in his court to any other of said courts, and the judge of any court to which a case or proceeding is transferred shall receive and try the same, but in turn shall have power in his discretion to transfer any such case to any other of said courts, and any judge may in his own court room try any case pending in any other of such courts. When the judge of any of such courts completes the trial of a case and has no other case in his court ready for trial and becomes disengaged, it shall be his duty to notify the presiding judge and it shall be the duty of the presiding judge to transfer or to require the transfer to the court of the disengaged judge of the next case which is ready for trial in any of said courts and the judge in whose court the case is pending shall transfer the same, or instead of transferring any case from one court to another any judge not engaged in his own court may try any case in any other court. If any judge of any of such courts is disqualified in any case pending in his court, and his disqualification is certified to the Governor, the Governor may require the judge of any other of such courts to exchange benches or districts with the disqualified judge, and may, at any time, require any of such judges to exchange districts with each other or with any other district judge in Texas. In case of the absence, sickness or disqualification of any judge, any other of said judges may hold court for him or may transfer from his court to any other of said courts any case or proceeding then pending in the court of said absent, sick or disqualified judge. Any judge may hear any part of any case or proceeding pending in any of said courts and determine the same, or may hear and determine any question in any case, and any other judge may complete the hearing and render judgment in the case. Any judge may hear and determine demurrers, motions, pe-

titions for injunction, applications for appointment of receivers, interventions, pleas of privilege, pleas in abatement, all dilatory pleas, motions for new trial and all preliminary matters, questions and proceedings and may enter judgment or order thereon in the court in which the case is pending without having the case transferred to the court of the judge acting, and the judge in whose court the case is pending may thereafter proceed to hear, complete and determine the case or other matter, or any part thereof, and render final judgment therein. Any judgment rendered or action taken by any judge in any of said civil district courts in the county, whether in his own court or not, shall be as valid and binding as if the judgment had been rendered or the action taken by the judge of the court in which the suit or other proceeding was first filed and in the court and court room of that court.

The amendments were adopted severally.

Senate Bill No. 269 was then passed to engrossment.

S. B. No. 270 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 270, A bill to be entitled "An Act to amend Subdivisions 11, 55, 61 and 80 of Article 30 of Title 5 of the Revised Civil Statutes of the State of Texas, which subdivisions relate to the district courts of the Eleventh, Fifty-fifth, Sixty-first and Eightieth Judicial Districts of Texas, and fixing the terms and prescribing the jurisdiction and procedure of said courts and allowing compensation to the clerk of the Eightieth Judicial District Court in Harris County."

The bill was read second time.

Senator Murphy offered the following amendments to the bill:

(1)

Amend the caption of the bill, page —, line 11, by inserting after the word "and" and before the word "of" the following: "providing for the administration of the business."

(2)

Amend the bill, page 17, line 31, by striking out all after the word "all" down through and including

the numerals 1923 and add a new section numbered 2, reading as follows: "All laws in conflict herewith are hereby repealed, and this Act shall take effect and be in force on and after the first day of July, 1923."

(3)

Amend the caption of the bill by striking out the period after the word "county" and placing a semicolon thereafter and then inserting the following: "and repealing all laws in conflict herewith."

(4)

Amend the bill, page 5, line 8, and writing after the word "minutes" and before the word "The" the following: "and each judge sitting in said court shall sign the minutes of such proceedings as were had before him."

(5)

Amend the bill, page 17, line 28, and adding after the word "minutes" and before the word "The" the following: "and each judge sitting in said court shall sign the minutes of such proceedings as were had before him."

(6)

Amend the bill, page 13, line 9, by adding the letters "ly" to the word "exclusive."

(7)

Amend the bill, page 15, line 29, by adding after the word "filed" and before the word "in" the words "or pending."

(8)

Amend the bill, page 15, line 12, by striking the letter "s" from the word "districts" and insert after the word "district" the word "Courts."

(9)

Amend the bill, page 13, line 32, after the word "January" and before the word "the" the word "during."

(10)

Amend the bill, page 13, line 22, by striking out, "a."

(11)

Amend the bill, page 13, line 6, by inserting the word "as" before the word "shall."

(12)

Amend the bill, page 12, line 26, by adding after the word "minutes" before the word "The," the following: "and each judge sitting in said court shall sign the minutes of such proceedings as were had before him."

(13)

Amend the bill, page 12, line 7, by striking the letter "s" from the word "cases."

(14)

Amend the bill, page 10, line 21, by placing before the word "Court" and after the word "Judicial" the word "District."

(15)

Amend the bill, page 10, line 10, by adding the letter "s" to the word "District."

(16)

Amend the bill, page 10, line 6, by placing before the word "shall" and after word "courts" the following: "in Harris County."

(17)

Amend the bill, page 9, line 14, by striking out the word "wits" and insert the word "with."

(18)

Amend the bill, page 9, line 4, by striking out "efect" and insert "effect."

(19)

Amend the bill, page 8, line 32, by placing after the word "minutes" and before "The" the following: "and each judge sitting in said court shall sign the minutes of such proceedings as were had before him."

(20)

Amend the bill, page 6, line 14, by writing after the word courts the following: "in Harris County."

(21)

Amend the bill, page 8, line 5, by striking out the word "the" and insert in lieu thereof the word "any."

(22)

Amend the bill, page 3, line 8, by striking out the word "and."

(23)

Amend the bill, page 6, line 9, by inserting before the word "Fifty-fifth" the word "the."

(24)

Amend the bill, page 2, line 19, by placing after the word "courts" and before the word "shall" the following: "in Harris County."

(25)

Amend the bill, page 1, line 31, by striking the "s" from the word "Courts."

(26)

Amend the bill, page 1, line 26, by striking out the words "Sixty-fifth" and insert in lieu thereof "Sixty-first."

(27)

Amend the bill, page 1, line 15, by placing before the word "that" the following: "Section 1."

(28)

Amend the bill, page 1, line 24, by adding after the word "criminal" and before the word "court" the word "district."

The amendments were adopted severally.

Senate Bill No. 270 was then passed to engrossment.

S. B. No. 273 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 273, A bill to be entitled "An Act to amend Articles 3635, 3636, 3637 and 3639, Chapter 32, Title 52, of the Revised Statutes of Texas, in reference to appeals from county courts to district courts in state matters."

The bill was read second time and passed to engrossment.

S. J. R. No. 10 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

Senate Joint Resolution No. 10, "Proposing an amendment to Sec. 51 of Article 3 of the Constitution of the State of Texas to provide that the Legislature may grant pensions to Confederate soldiers, sailors, and their widows, who have been citizens of Texas since prior to January 1, 1910, providing that all soldiers, sailors, and their widows eligible under the provisions hereof shall be entitled to be placed upon the rolls and participate in the pension fund created hereunder; levying a tax of seven cents on the one hundred dollars valuation of property in this State for the payment of such pension, providing that the Legislature may reduce the rate of pension for such purposes, fixing a time for the election to be held on such amendment, and making an appropriation to pay the expenses thereof."

The resolution was read second time and was passed to engrossment.

S. B. No. 247 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 247, A bill to be entitled "An Act to amend Article 2760, Revised Statutes, 1911, authorizing the transfer of school children, and declaring an emergency."

The bill was read second time, and the committee report carrying the following committee amendment was adopted:

Amend Senate Bill No. 247, by striking out the period at the end of Section 1, and adding the following:

"From districts lying wholly within one county, but it shall be mandatory on county superintendents to grant applications for transfers from county line districts."

S. B. No. 247 was then passed to engrossment.

S. B. No. 237 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 237, A bill to be entitled "An Act with reference to the public roads in Fayette, Colorado, Lavaca and Austin counties; exempting all firemen employed by any municipality or other governmental agency in such counties from road or street duty or the payment of any money in lieu thereof; and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted and the bill passed to engrossment.

S. B. No. 288 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 288, A bill to be entitled "An Act amending Article 303 of the Penal Code of the State of Texas so as to permit the sale of gasoline and lubricants on Sunday, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

(Senator Baugh in the Chair.)

S. B. No. 191 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 191, A bill to be entitled "An Act authorizing the incorporation of Mutual Hail Insurance Companies; providing for the investment of the reserve funds of such companies; requiring annual reports, fixing the fees to be paid by such companies, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

S. B. No. 156 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 156, A bill to be entitled "An Act requiring landlords of Texas to thoroughly fumigate and clean tenant houses, and clean the premises after being vacated by a tenant and before being occupied by another tenant; providing a penalty for the infractions thereof, and carrying an emergency."

The bill was read second time.

The bill failed on passage to engrossment.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 24, 1923.

Hon. T. W. Davidson, President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 289, A bill to be entitled "An Act to amend Article 3793, Chapter 1, Title 55, of the Revised Civil Statutes of 1911 of the State of Texas, relating to the exemption of personal property from forced sale, and declaring an emergency," with engrossed rider.

H. B. No. 361, A bill to be entitled "An Act to amend Sec. 16, of Chapter 190, of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Sec. 2, of Chapter 71, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature as amended by Sec. — Chapter 113, of the General Laws of the Regular Session of the Thirty-sixth Legislature, as

amended by Chapter 131, of the General Laws of the Regular Session of the Thirty-seventh Legislature, as amended by Chapter 52, of the General Laws of the First Called Session of the Thirty-seventh Legislature, providing for, and increasing the annual license fees on motor vehicles; providing for applications for registration; providing for annual license fees for trailers and semi-trailers and tractors; providing penalties for failure to comply with the provisions of this Act; providing certain described vehicles shall not be licensed or operated on public roads; providing for exceptions and special permits; amending Sec. 3, of Chapter 73, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Sec. 4, Chapter 113, of the General Laws of the Regular Session of the Thirty-sixth Legislature relating to disposition of fees collected hereunder; providing for maintenance by the State and declaring increased fees primarily a trust fund for such maintenance; providing that in event any section or provision of this Act shall be held unconstitutional, the same shall not affect any other section or provision; and repealing all laws in conflict with this Act."

H. B. No. 399, A bill to be entitled "An Act to amend Article 1585, of Chapter 2, Title 32, of the Revised Civil Statutes of Texas of 1911, fixing the terms of Courts of Civil Appeals."

H. B. No. 487, A bill to be entitled "An Act defining and regulating the practice of chiropody in the State of Texas; providing for the examination and registration of persons desiring to practice chiropody and the issuance of license therefor; providing for the creation of the State Board of Chiropody Examiners; prescribing fees that may be charged for registration; making it unlawful for any person not licensed under the law of this Act to practice chiropody; providing for the registration of persons who have been engaged in the practice of chiropody in other States; for the revocation of licenses granted by the State Board of Chiropody Examiners for the State of Texas; prescribing fees to be charged by the State Board of Chiropody Examiners; defining offenses and prescribing penalties therefor, and declaring an emergency."

S. B. No. 314, A bill to be entitled "An Act authorizing the Gulf, Colorado and Santa Fe Railway Company to purchase, own and operate the railroad and other property, with its franchise and appurtenances, now or hereafter owned by Galveston and Western Railway Company in the city of Galveston, State of Texas, west of the east line of Thirty-eighth Street, or any part or parts hereof, including all ordinances of the city of Galveston now existing or hereafter passed relating to rights or franchises in the streets of said city west of the east line of said Thirty-eighth Street, and declaring an emergency."

Requests the Senate to return to the House Senate Bill No. 301 for correction.

S. B. No. 42, A bill to be entitled "An Act requiring hotel keepers to post in each room a card or sign stating the price per day for such room; prohibiting any advance in prices within 30 days; compelling hotels to furnish guests with tickets showing prices of rooms; fixing penalty, and declaring an emergency."

S. B. No. 115, A bill to be entitled "An Act to amend Article 1591 of the 1911 Revised Civil Statutes of Texas."

S. B. No. 117, A bill to be entitled "An Act to amend Article 1623 of the Revised Civil Statutes of Texas."

S. B. No. 118, A bill to be entitled "An Act to amend Article 1620 of the Revised Civil Statutes of Texas."

S. B. No. 136, A bill to be entitled "An Act amending Article 2939 of Chapter 4 of Title 49, of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 40 of the General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by Chapter 6 of the General Laws of the Fourth Called Session of the Thirty-sixth Legislature, as amended by the General Laws of the Thirty-seventh Legislature, Regular Session, Chapter 113, and approved by the Governor on the 12th day of March, A. D. 1921, regulating elections, providing certain qualifications for voters and providing for absentee voting in order that voters may vote who are absent from the State, and declaring an emergency," with amendments.

S. B. No. 158, A bill to be entitled "An Act to amend Chapter Thirty-three of the General Laws of the Third Called Session of the Thirty-sixth Leg-

islature of 1920, denominated 'An Act to create the Ninety-first Judicial District; fixing its jurisdiction and time of holding court therein; providing for the appointment by the Governor of a judge for said Ninety-first District; providing that the district clerk and county attorney of Eastland County, each shall be officers of said Ninety-first District Court and fixing their compensation for services rendered therein; providing for transfer of cases from and to the Ninety-first Judicial District Court and the Eighty-eighth Judicial District Court from one court to the other, requiring notice of such transfer of cases in certain instances to be given; providing that suits shall be alternately filed in said Ninety-first Judicial District Court of Eastland County, and the Eighty-eighth Judicial District Court of Eastland County; providing that no grand jury in said Ninety-first District Court of Eastland County shall be organized unless it is specially ordered by the judge of the Ninety-first District, providing that from and after the first day of January of the year 1925, said Ninety-first Judicial District Court shall cease to exist; declaring that an emergency exists requiring the immediate passage of this Act.'"

S. B. No. 301, A bill to be entitled "An Act requiring the State Insurance Commission to make, establish and promulgate classification of hazards and rates of premium under the Workmen's Compensation Law of this State and to prescribe standard Workmen's Compensation Policy Forms; requiring all companies and associations writing workmen's compensation insurance to use the classifications, rates, and policy forms established, promulgated and prescribed by the commission; providing for the use of classifications, rates and forms now on file with and approved by the Commissioner of Insurance until classifications, rates and policy forms have been made and prescribed by the commission; requiring the commission to assemble data for use in establishing classifications and rates, and requiring the Commissioner of Insurance to deliver to the commission all data under his control now used in establishing classification, rates and policy forms; authorizing and empowering the commission to require sworn statements from insurance companies and associations containing statistical data, and requiring the commissioner to de-

scribe necessary forms for such statements; fixing the manner in which the commission shall determine hazards and describing the kind and character of rates which shall be fixed, and providing what data shall be taken into consideration by the commission in fixing rates; providing for hearings before the commission and the manner in which the same shall be conducted; requiring the use of uniform policies for workmen's compensation insurance, but allowing any company or association to use any form or endorsement appropriate to its plan of operation, providing the same shall diminish its liability to pay the compensation provided for in the Workmen's Compensation Law; providing that no company or association shall be prohibited from writing workmen's compensation insurance on the mutual, reciprocal, or Lloyds plan, and that no stock company or other company or association shall be prohibited from sharing profits of policy holders but providing that no dividends to policy holders shall take effect until approved by the commission; fixing the salaries of the members of the commission hereunder and providing for expenditures to meet expenses hereunder, and fixing a maximum amount of such salaries and expenditures, and providing for the annual assessment and collection of a tax or premium for workmen's insurance policies to defray the salaries and expenses of the commission hereunder, and providing that any unexpected balance shall be transferred to the general revenue of the State; empowering the commission to make and enforce reasonable rules and regulations; negating the application hereto of any provisions creating the State Insurance Commission; defining the words company and association, repealing Section 16a and 17 of Part 3 and part of Section 2 of Part 4 of Chapter 103 of the General Laws of the Regular Session of the Thirty-sixth Legislature, known as the Workmen's Compensation Law, and all other sections or parts of sections of said law and all other laws or parts of laws in conflict herewith or any provisions hereof; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency," with amendments.

S. B. No. 335, A bill to be entitled "An act creating additional and adequate courts for Dallas County, defining

their jurisdiction, adjusting the business of the existing district courts to the business thereof, prescribing the duties of the district clerk with respect thereto, repealing all laws in conflict therewith and creating an emergency."

H. B. No. 254, A bill to be entitled "An Act fixing in counties having a population in excess of one hundred and fifty thousand inhabitants the compensation of district attorneys and providing for the appointment of assistant district attorneys, investigators, stenographers, deputies and other employees, and providing for their salaries and the manner of their payment and repealing all laws in conflict herewith, with exceptions, and declaring an emergency."

S. B. No. 298, A bill to be entitled "An Act creating, establishing, and incorporating Carlson Common School District No. 16 in Hidalgo County, Texas, containing a portion of the territory in Hidalgo County, Texas, heretofore embraced in Panchita Common School District No. 2, describing the metes and bounds thereof, and declaring an emergency."

H. B. No. 528, A bill to be entitled "An Act taking certain territory from Common School District No. 16 of Baylor County and annexing the same to and making it part of Common School District No. 14 of Baylor County, and taking the remainder of the territory of said Common School District No. 16 and annexing the same unto Megargel Independent School District of Archer County, and creating the said Megargel Independent School District into a county line independent school district; conferring upon the same the powers now enjoyed by said Megargel Independent School District, and in addition thereto all of the powers which may be enjoyed or exercised by a county line independent school district; and providing for an election to adjust the territory thus attached to said common school district, and the territory thus attached to said independent school district, as to taxes which may be now levied upon said common school district and upon the property of said independent school district, and for an assumption by the said common school district and by said independent school district, respectively, of the pro rata taxes payable by said added territory on account of any outstanding bond issues which may exist against said common school

district and against said independent school district, and declaring an emergency."

H. B. No. 606, A bill to be entitled "An Act to reorganize the Thirty-eighth and Sixty-third Judicial Districts of the State of Texas; and to prescribe the time, and fix the terms of holding the courts in each of said judicial districts, and to conform all writs and process from such courts to such changes, and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of the courts in the several districts as herein fixed and to validate process, and to validate the summoning of grand and petit jurors and juries; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The following committee is announced on part of the House in compliance with H. C. R. No. 4, requiring an investigation of the recent contracts let by the Text Book Commission: Henderson of Marion, Bonham, Baldwin, Price and Laird.

H. C. R. No. 21, relative to the exchange of two tracts of land by the Prison Commission Board and the Herman Hospital Estate.

House has adopted the report of the Free Conference Committee on S. B. No. 110 by the following vote: 101 ayes and 11 nays.

House has concurred in Senate amendments to H. B. No. 63 by the following vote: 102 ayes and 6 nays.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk House of Representatives.

Motion to Adjourn.

(Senator Bailey in the Chair.)

Senator Fairchild moved that the Senate adjourn until 10 a. m. Monday, and the motion was lost.

Senator Pollard raised the point of no quorum.

Senator Davis moved a call of the Senate, and the call was ordered.

The roll was called and the following Senators answered to their names:

Bailey.	Holbrook.
Baugh.	Lewis.
Bledsoe.	McMillin.
Cousins.	Murphy.
Davis.	Parr.
Fairchild.	Pollard.
Floyd.	Rogers.

Strong.	Watts.
Stuart.	Wirtz.
Thomas.	Wood.
Turner.	Woods.

Absent.

Bowers.	Doyle.
Burkett.	Ridgeway.
Clark.	Witt.
Darwin.	

Absent—Excused.

Dudley.	Rice.
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A quorum was announced present.

Senator Rogers moved that the Senate stand adjourned until 10 o'clock a. m. Monday.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—8.

Bailey.	Pollard.
Doyle.	Rogers.
Fairchild.	Turner.
Floyd.	Woods.

Nays—16.

Baugh.	Parr.
Bledsoe.	Strong.
Cousins.	Stuart.
Davis.	Thomas.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.

Absent.

Bowers.	Darwin.
Burkett.	Ridgeway.
Clark.	

Absent—Excused.

Dudley.	Rice.
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S. B. No. 301—Request of House Granted.

On motion of Senator Murphy, the request of the House for the return of S. B. No. 301 was granted.

Senator Pollard moved that the Senate adjourn until 10 a. m. Monday.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—9.

Bailey.	Rogers.
Doyle.	Strong.
Fairchild.	Turner.
Floyd.	Woods.
Pollard.	

Nays—15.

Baugh.	Parr.
Bledsoe.	Stuart.
Cousins.	Thomas.
Davis.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	

Absent.

Bowers.	Darwin.
Clark.	Ridgeway.

Absent—Excused.

Burkett.	Rice.
Dudley.	

Senator Wood moved to reconsider the vote by which simple resolution No. 71 by Senator Murphy was adopted on yesterday.

Senator Pollard moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—12.

Baugh.	Rogers.
Bledsoe.	Strong.
Fairchild.	Stuart.
Floyd.	Turner.
Lewis.	Wirtz.
Pollard.	Woods.

Nays—12.

Bailey.	Murphy.
Cousins.	Parr.
Davis.	Thomas.
Doyle.	Watts.
Holbrook.	Witt.
McMillin.	Wood.

Absent.

Bowers.	Darwin.
Clark.	Ridgeway.

Absent—Excused.

Burkett.	Rice.
Dudley.	

Senator Floyd moved that the Senate stand adjourned until 10 a. m. Monday.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—12.

Bailey.	Rogers.
Clark.	Strong.
Doyle.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Pollard.	Woods.

Nays—13.

Baugh.	Murphy.
Bledsoe.	Parr.
Cousins.	Stuart.
Davis.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	

Absent.

Powers.	Ridgeway.
Darwin.	

Absent—Excused.

Burkett.	Rice.
Dudley.	

Senator Clark moved that the Senate stand adjourned until 10 a. m. Monday.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—11.

Bailey.	Rogers.
Clark.	Strong.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Woods.
Pollard.	

Nays—13.

Baugh.	Murphy.
Bledsoe.	Parr.
Cousins.	Stuart.
Davis.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	

Absent.

Bowers.	Ridgeway.
Darwin.	Thomas.

Absent—Excused.

Burkett.	Rice.
Dudley.	

Senator Witt moved that the Senate stand adjourned until 10 a. m. Monday.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—12.

Bailey.	Rogers.
Clark.	Strong.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Pollard.	Woods.

Nays—12.

Baugh.	McMillin.
Bledsoe.	Murphy.
Cousins.	Parr.
Davis.	Stuart.
Holbrook.	Wirtz.
Lewis.	Wood.

Absent.

Bowers.	Ridgeway.
Darwin.	Thomas.

Absent—Excused.

Burkett.	Rice.
Dudley.	

Senator Clark moved that the Senate stand adjourned until 10 a. m. Monday.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—12.

Bailey.	Rogers.
Clark.	Strong.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Pollard.	Woods.

Nays—12.

Baugh.	McMillin.
Bledsoe.	Murphy.
Cousins.	Parr.
Davis.	Stuart.
Holbrook.	Wirtz.
Lewis.	Wood.

Absent.

Bowers.	Ridgeway.
Darwin.	Thomas.

Absent—Excused.

Burkett.	Rice.
Dudley.	

Senator Pollard moved that the Senate stand adjourned until 10 a. m. Monday.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—13.

Bailey.	Rogers.
Clark.	Strong.
Cousins.	Turner.
Doyle.	Watts.
Fairchild.	Witt.
Floyd.	Woods.
Pollard.	

Nays—11.

Baugh.	Murphy.
Bledsoe.	Parr.
Davis.	Stuart.
Holbrook.	Wirtz.
Lewis.	Wood.
McMillin.	

Absent.

Bowers.	Ridgeway.
Darwin.	Thomas.

Absent—Excused.

Burkett.	Rice.
Dudley.	

The Senate accordingly at 4:30 p. m. adjourned until 10 a. m. Monday.

APPENDIX.

Petitions and Memorials.

Senator Floyd sent up and had read a petition, numerous signed by citizens of Robertson County, strongly protesting against the passage of the Public Utility Bill, Senate Bill No. 258.

Committee Reports.

Senate Chamber,
Austin, Texas, Feb. 23, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 281 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 23, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 152 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 23, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 222 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 23, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had Senate Bill
No. 213 carefully compared and find
same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 24, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had Senate Bill
No. 160 carefully compared and find
same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 24, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had Senate Bill
No. 148 carefully compared and find
same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
Senate Bill No. 316 and find the same
correctly enrolled and have this day,
at 4:45 o'clock p. m., presented the
same to the Governor for his ap-
proval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
Senate Bill No. 171 and find the same
correctly enrolled and have this day,
at 4:45 o'clock p. m., presented the
same to the Governor for his ap-
proval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
Senate Bill No. 229 and find the same
correctly enrolled and have this day,

at 4:45 o'clock p. m., presented the
same to the Governor for his ap-
proval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
Senate Bill No. 204 and find the same
correctly enrolled and have this day,
at 4:45 o'clock p. m., presented the
same to the Governor for his ap-
proval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
Senate Bill No. 205 and find the same
correctly enrolled and have this day,
at 4:45 o'clock p. m., presented the
same to the Governor for his ap-
proval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
Senate Bill No. 206 and find the same
correctly enrolled and have this day,
at 4:45 o'clock p. m., presented the
same to the Governor for his ap-
proval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
Senate Bill No. 42 and find the same
correctly enrolled and have this day,
at 3:45 o'clock p. m., presented the
same to the Governor for his ap-
proval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
Senate Bill No. 118 and find the same
correctly enrolled and have this day,

at 3:45 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 335 and find the same correctly enrolled and have this day, at 3:45 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 115 and find the same correctly enrolled and have this day, at 3:45 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 117 and find the same correctly enrolled and have this day, at 3:45 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 298 and find the same correctly enrolled and have this day, at 3:45 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 158 and find the same correctly enrolled and have this day,

at 3:45 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 19, "A joint resolution seeking to amend Article 16 of the Constitution of Texas by adding thereto a new section designated as Section 61, giving to the Legislature power and authority to provide pensions for firemen and policemen, providing for submission of resolution to voters of Texas and making appropriation therefor" has had said resolution under consideration and I am instructed by the committee to return same to the Senate with the recommendation that it do not pass.

WOODS, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 21, 1923.

Hon. T. W. Davidson, President of the Senate

Sir: We, your Committee on Constitutional Amendments, to whom was referred House Concurrent Resolution No. 18, dealing with the subject of a Constitutional Convention, has had same under consideration and I am instructed by a majority of the Committee to return said resolution to the Senate with the recommendation that it do not pass, but that the Committee substitute therefor submitted herewith do pass in lieu of the said original House Concurrent Resolution No. 18.

Senator Wirtz gave notice on behalf of himself and Senator Burkett of an adverse report.

WOODS, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 21, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Constitutional Amendments to whom was referred House Concurrent Resolution No. 18 dealing with the matter of calling a constitutional convention, having had the same under

consideration beg leave to report same back to the Senate with a recommendation that it do not pass, either originally or as substituted by the majority of this Senate Committee.

WIRTZ.
BURKETT.

Committee Room,
Austin, Texas, Feb. 21, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 252, a bill to be entitled "An Act to amend Article 1064 of the Revised Statutes of the State of Texas of 1911, so as to provide means for settlement of debts of municipal corporations where abolished or where de facto municipal corporations are heretofore or hereafter declared void by court of competent jurisdiction; and by adding after said article a new article to be known as Article 1064a, so as to provide that holders of indebtedness of such municipal corporation may maintain suit in proper court and have service on named officials and judgment as if such corporation had not been dissolved."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WITT, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 23, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 606, A bill to be entitled "An Act to reorganize the Thirty-eighth and Sixty-third Judicial Districts of the State of Texas; and to prescribe the time and fix the terms of holding the courts in each of said judicial districts; and to conform all writs and process from such courts to such changes, and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of the courts in the several districts as herein fixed and to validate process, and to validate the summoning of grand and petit jurors and juries; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had same under consideration, and beg to report it back with the recommendation that it do pass, and, being a local bill, that it be not printed.

Pollard, Wirtz, Doyle, Stuart, Bowers, Davis, Fairchild.

Committee Room,
Austin, Texas, Feb. 23, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred,

H. B. No. 476, A bill to be entitled "An Act repealing Chapter 30 of the General Laws of the Regular Session of the Thirty-seventh Legislature, which Chapter relates to the jurisdiction of the County Court of Edwards county, and which vested in the County Court of said county, civil and criminal jurisdiction as provided by General Law for County Courts; and reviving any and all laws which stand repealed by reason of said Chapter 30, General Laws, Regular Session, Thirty-seventh Legislature, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 376, A bill to be entitled "An Act to authorize the Commissioners' Courts of Hudspeth and Culberson Counties, Texas, each to pay the sum of seventy-five dollars per month to the office of District Attorney of the Thirty-fourth Judicial District of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

S. B. No. 377, A bill to be entitled

"An Act designating the lands acquired by the State of Texas under the provisions of Chapter 3, General Laws, passed at the First Called Session of the Thirty-fourth Legislature, as 'The Washington State Park'; providing for the creation of a commission to be known as 'The Washington State Park Commission'; charging said commission and the State Board of Control with the joint duty of preserving, protecting, improving and beautifying said park, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

BOWERS, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 519, A bill to be entitled "An Act validating Consolidated Common School District No. 1 of Castro County, Texas, and validating an issue of bonds heretofore voted by said district; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 508, A bill to be entitled "An Act to amend Section 3 of an Act creating the Poteet Independent School District in Atascosa County, Texas, being Chapter 23 of the Acts of the Thirty-third Legislature, Regular Session, providing for the management and control of the public free schools within said district; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate

with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 38, A bill to be entitled "An Act creating the Adams Independent School District in San Patricio County, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district; vesting said district with all the powers, rights and duties of independent school districts created for free school purposes only; providing for the assumption by said district of all existing indebtedness of the territory embraced within the said district hereby created; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 518, A bill to be entitled "An Act creating the Brackett Independent School District in Kinney County, Texas; defining its boundaries, including the present Brackett Independent School District; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts and the board of trustees thereof; providing that the present board of trustees shall continue in office until the expiration of their respective terms and validating their elections; providing that outstanding bonds shall remain chargeable against the territory which voted same; providing for an election for the purpose of assuming said bond-

ed indebtedness by the district as herein created; providing for the appointment of an assessor and collector and board of equalization for said district; repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 234, A bill to be entitled "An Act creating the Springlake Independent School District in Lamb County, Texas; defining its boundaries; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the trustees thereof; providing for the election of its first board of trustees and their successors; providing that certain territory taken away from the Sudan Independent School District in Lamb County, Texas, and placed within the Springlake Independent School District shall remain chargeable with its pro rata part of any bonded indebtedness heretofore voted in said Sudan Independent School District; and providing that the Springlake Independent School District as herein created may as a whole vote to assume such pro rata part of said bonds; providing for the appointment of a board of equalization and tax assessor and collector for said district; and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 507, A bill to be entitled "An Act creating the Simmons Inde-

pendent School District in Live Oak County, Texas; defining its boundaries; providing for a board of trustees; vesting title to all school property within said school district in the trustees and their successors; charging said district with all indebtedness and the performance of all contracts of the school included within the district; providing that the board of trustees heretofore elected and now serving the Simmons Common School District No. 2, as now existing, shall continue in office for the district hereby created until the expiration of their terms and their successors shall have been qualified; authorizing the trustees to exercise all the rights and powers conferred by General Laws upon trustees of independent school districts created for school purposes only under the General Laws; validating and continuing in force the local maintenance taxes heretofore voted by the voters in the territory included within the district hereby created, until the voters in the district hereby created, by a uniform tax upon the whole district, increase or diminish the same, or until they abolish such taxes in accordance with the general statutes; providing that if any part of this Act is held ineffective or unconstitutional, the remaining part of this Act shall not be invalidated; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 509, A bill to be entitled "An Act creating and incorporating the Levelland Independent School District in Hockley County, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization;

providing that said Levelland Independent School District shall assume and discharge its pro rata part of the bonds and interest thereon now in force against the Ropes Independent School District on terms named in this Act, as well as its pro rata part of other indebtedness, continuing valid and binding obligations of said Ropes Independent School District; validating and continuing in force any and all taxes heretofore voted and now in force in any of the territory included within the boundaries of Levelland Independent School District as created by this Act; providing that title to any and all property belonging to said district shall vest in the trustees of the independent school district hereby created; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provisions of this Act shall not invalidate any remaining provisions of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1923.

Hon. T. W. Davidson, President of the Senate

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 504, A bill to be entitled "An Act creating and incorporating the Southland Independent School District in the counties of Garza, Lynn and Lubbock in the State of Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the Board of Trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Southland Independent School District shall assume and discharge its pro rata part of any and all bonds, indebtedness and interest thereon

now in force against the Slaton Independent School District on terms named in this Act; providing that said Southland Independent School District shall assume and discharge all bonds and indebtedness existing against any common school district whose lands are included within the boundaries of the district hereby created; validating and continuing in force any and all taxes heretofore voted and now in force in any of the territory included within the boundaries of Southland Independent School District as created by this Act; providing that title to any and all property belonging to said district shall vest in the trustees of the Independent School District hereby created; providing for filling vacancies on the Board of Trustees; providing for a seal for said District; providing that the Board of Trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 528, A bill to be entitled "An Act taking certain territory from Common School District No. 16 of Baylor County and annexing the same to and making it part of Common School District No. 14 of Baylor County, and taking the remainder of the property of said Common School District No. 16 and annexing the same unto Megargel Independent School District of Archer County, and creating the said Megargel Independent School District into a country-line Independent School District; conferring upon the same the powers now enjoyed by said Megargel Independent School District, and in addition thereto all of the powers which

may be enjoyed or exercised by a county-line Independent School District and providing for an election to adjust the territory thus attached to said Common School District, and the territory thus attached to said independent school district, as to taxes which may be now levied upon said common school district and upon the property of said Independent School District, and for an assumption by the said Common School District and by said Independent School District, respectively, of the pro rata taxes payable by said added territory on account of any outstanding bond issues which may exist against said Common School District and against said Independent School District; and declaring an emergency."

Have had the same under consideration and I am instructed by the Committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

THIRTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,

Monday, February 26, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Stuart.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports and petitions.)

Bills and Resolutions.

By Senator Rice:

S. B. No. 390, A bill to be entitled "An Act amending Sec. 2 of S. B. No. 25, Chapter 1 of the Special Laws of the State of Texas, passed at the First Called Session of the Thirty-seventh Legislature in 1921, and providing for that portion of the land hereby segregated from the Bowie Independent School District to bear its proportionate part of any bonded indebtedness now chargeable against that portion of the district hereby segregated and adding Sec. 2a and Section 2b."

Read first time and referred to Committee on Educational Affairs.

By Senator Strong:

S. B. No. 391, A bill to be entitled "An Act to prohibit private corporations, persons, cities, towns or other public corporations from exercising the right of eminent domain over certain riparian and water rights and lands under or adjacent to any streams in this State, used for the purpose of developing water power; excepting from the provisions hereof cities and towns having a population of 25,000 or over; repealing all laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Wood, by request:

S. B. No. 392, A bill to be entitled "An Act to create the Denson Independent School District in Williamson County, Texas, including the present Denson School District of said county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights and powers, privileges and duties conferred upon Independent School Districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Denson School District shall continue to act as such until their successors are elected and qualified in accordance with the General Laws of Texas; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Ridgeway, by request:

S. B. No. 393, A bill to be entitled "An Act to amend Article 4068, Chapter 4, Title 64 of the Revised Civil Statutes of Texas of 1911, by